

COUNTIES

CHAPTER 156

HOUSE BILL NO. 1167
(Kretschmar)

COUNTY REDISTRICTING REQUIREMENT

AN ACT to amend and reenact sections 11-07-02, 11-07-03, and 11-07-05 of the North Dakota Century Code, relating to when county districts are changed, the method of county redistricting, and the first redistricting under the chapter, and providing for redistricting during a census interim, for contiguous districts following township lines where practicable, for filing by April first in an even-numbered year to be effective for that year's elections, and for redistricting at least each ten years.

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

SECTION 1. AMENDMENT.) Section 11-07-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-07-02. WHEN DISTRICTS MUST BE CHANGED - ADDITIONAL MEETING - PUBLIC HEARING - NOTICE.) Each redistricting board shall, within three months after official publication of each federal decennial census, meet at the call of the chairman to organize as provided in this chapter and to consider redistricting. A redistricting board may additionally meet during a census interim if a resolution calling for a meeting is passed by the board of county commissioners or a petition calling for a meeting signed by ten percent of the number of county electors voting for governor in the last gubernatorial election is presented to the board of county commissioners. If any one district in the county varies more than ten percent from the average population per commissioner in such county determined by dividing the total population of the county at the last federal decennial census by the number of commissioners' districts in such county, or if county commissioners are elected at large, the redistricting board shall redistrict the county, as provided in this chapter. If redistricting of a county is required, the chairman of the redistricting board shall, within thirty days after the date of the above meeting, call a meeting for the purpose of conducting a public hearing to review alternative plans for such redistricting. Notice of such meeting shall be published or caused

to be published by the chairman in the official county newspaper at least ten days prior to the date of such hearing.

SECTION 2. AMENDMENT.) Section 11-07-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-07-03. METHOD OF REDISTRICTING - ELECTION OF COMMISSIONERS AT LARGE IF REDISTRICTING NOT ACCOMPLISHED BY TIME CERTAIN.) In redistricting a county, the redistricting board shall make the districts contiguous following township lines where practicable, as regular and compact in form as practicable, and as substantially equal in population as possible. In no event shall every district be formed in such a manner that the population of cities located within every district exceeds the population of the district area outside the cities in every district. In no event shall any commissioner's district vary in population more than ten percent from the average population per commissioner as determined in section 11-07-02, and any variance from the average population shall be justified in the statement filed pursuant to this section. The geographical boundaries of new districts created by the redistricting board shall be agreed upon by a majority of such board. Redistricting shall be completed by the filing, by the chairman of the redistricting board, of an accurate description of the approved geographical boundaries and a statement of the population of the new districts, including an explanation of any variances, with the county auditor by April first of an even-numbered year to be effective for that year's elections. In the event that redistricting is required but not completed in the manner prescribed in this chapter, all commissioners' districts in such county shall be abolished and, notwithstanding the provisions of section 11-11-02, thereafter county commissioners for such county shall be elected at large without regard to district representation in the manner and at the time provided in this title and shall continue to be elected at large until a proper redistricting plan is filed as required by this chapter. Notwithstanding the provisions of this section, the redistricting board shall redistrict in the manner provided in section 11-07-03.1 if so directed by the board of county commissioners acting pursuant to that section.

SECTION 3. AMENDMENT.) Section 11-07-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-07-05. FIRST REDISTRICTING UNDER CHAPTER.) The first redistricting of county commissioners' districts under this chapter shall be completed as required in this chapter no later than December 31, 1971, and at least each ten years thereafter. Failure of any redistricting board to complete such redistricting plan and file it with the county auditor, as required by this chapter, shall result in all county commissioners' districts being abolished at such date, and all county commissioners holding office shall be elected at large at the next general election, as provided in this chapter, and shall continue to be elected at large at succeeding elections until a proper redistricting plan is so filed.

Approved March 3, 1979

CHAPTER 157

HOUSE BILL NO. 1318
(Representative Conmy)
(Senator Sands)

SALARIES OF COUNTY OFFICERS

AN ACT to amend and reenact subsections 2 and 5 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officers.

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

* SECTION 1. AMENDMENT.) Subsections 2 and 5 of section 11-10-10 of the 1977 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. The county treasurer, county superintendent of schools, register of deeds, county judge, county auditor, clerk of district court, sheriff, and state's attorney each shall receive the following annual salary, payable monthly, for official services rendered:

a. ~~In--counties--having--a--population--not--exceeding--four thousand--the--sum--of--nine--thousand--six--hundred--sixty dollars--~~

~~b. Ten--thousand--six--hundred~~ Eleven thousand nine hundred dollars in counties having a population ~~exceeding--four thousand--but~~ with less than eight thousand.

e- b. Ten--thousand--nine--hundred--ninety Twelve thousand two hundred ninety dollars in counties having a population exceeding eight thousand plus additional compensation of one hundred dollars per year for each one thousand additional population or major fraction thereof over eight thousand. However, in counties where the population consists of more than twenty-five percent Indians who have not severed tribal relations, the county commissioners may adjust the salaries provided for herein within the limitations contained in this subdivision.

* NOTE: Subsection 2 of section 11-10-10 was also amended by section 1 of House Bill No. 1669, chapter 158.

- d. c. State's attorneys in counties having a population exceeding thirty-five thousand, or in other counties where the board of county commissioners has determined by resolution that the state's attorney shall be full time and shall not be an attorney or counsel for any party except the state or county, shall receive a salary of ~~eighteen-thousand-one-hundred-to-twenty-six thousand~~ twenty thousand to twenty-seven thousand nine hundred dollars, to be determined by resolution of the board of county commissioners.
5. Each county commissioner may receive an annual salary or per diem as provided by resolution of the board, which salary or per diem shall not exceed the following limits: In counties having a population of eight thousand or less, ~~three--thousand--six--hundred--thirty~~ four thousand one hundred thirty dollars; in counties having a population of over eight thousand and less than fifteen thousand, ~~four thousand three--hundred--forty--five~~ four thousand eight hundred forty-five dollars; and in counties having a population of over fifteen thousand, ~~five--thousand--two hundred--eighty~~ five thousand seven hundred eighty dollars. For the purpose of fixing the maximums herein provided, population figures shall be those established by the most recent federal census. In addition, there shall be an allowance for meals and lodging expenses at the same rate and under the same conditions as provided for state officials and employees. The allowance for travel expenses shall be at the same rate as provided by section 11-10-15, and shall be evidenced by a subvoucher or receipt as provided by section 21-05-01. As used in this section, the words "official business" shall include statewide meetings of the North Dakota county commissioners association.

If a board shall resolve to pay an annual salary pursuant to this subsection, it shall be paid in monthly installments.

Approved March 3, 1979

CHAPTER 158

HOUSE BILL NO. 1669
(Martinson)

SALARIES OF COUNTY OFFICERS AND SHERIFFS

AN ACT to amend and reenact subsection 2 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officers, and to create and enact subsection 6 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of sheriffs.

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

* SECTION 1. AMENDMENT.) Subsection 2 of section 11-10-10 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The county treasurer, county superintendent of schools, register of deeds, county judge, county auditor, clerk of district court, ~~sheriff~~, and state's attorney each shall receive the following annual salary, payable monthly, for official services rendered:

~~a. In counties having a population not exceeding four thousand, the sum of nine thousand six hundred sixty dollars.~~

b. a. Ten Eleven thousand ~~six~~ nine hundred dollars in counties having a population ~~exceeding four thousand~~ but with of less than eight thousand.

b. Ten Twelve thousand ~~nine~~ two hundred ninety dollars in counties having a population exceeding eight thousand plus additional compensation of one hundred dollars per year for each one thousand additional population or major fraction thereof over eight thousand. However, in counties where the population consists of more than twenty-five percent Indians who have not severed tribal relations, the county commissioners may adjust the salaries provided for herein within the limitations contained in this subdivision.

* NOTE: Subsection 2 of section 11-10-10 was also amended by section 1 of House Bill No. 1318, chapter 157.

- d- c. State's attorneys in counties having a population exceeding thirty-five thousand, or in other counties where the board of county commissioners has determined by resolution that the state's attorney shall be full-time and shall not be an attorney or counsel for any party except the state or county, shall receive a salary of eighteen twenty thousand one-hundred to twenty-six twenty-seven thousand nine hundred dollars, to be determined by resolution of the board of county commissioners.

SECTION 2.) Subsection 6 to section 11-10-10 of the 1977 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

6. Sheriffs shall receive the following annual salary, payable monthly, for official services rendered:
- a. Thirteen thousand dollars in counties having a population with less than eight thousand.
 - b. Fourteen thousand dollars in counties having a population exceeding eight thousand plus additional compensation of one hundred dollars per year for each one thousand additional population or major fraction thereof over eight thousand. However, in counties where the population consists of more than twenty-five percent Indians who have not severed tribal relations, the county commissioners may adjust the salaries provided for herein within the limitations contained in this subdivision.

Approved March 26, 1979

CHAPTER 159

SENATE BILL NO. 2414
(Albers)

GROUP BENEFITS FOR COUNTY OFFICERS

AN ACT to amend and reenact subsection 4 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officers.

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

SECTION 1. AMENDMENT.) Subsection 4 of section 11-10-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. In counties having a county court of increased jurisdiction, the salaries of the judges of county courts of increased jurisdiction shall be as set out in section 27-08-08. The county superintendent of schools shall receive for any trips necessarily made within his county in the performance of school district reorganization duties the same mileage as he receives under the provisions of section 11-10-15. The board of county commissioners of any county may, by resolution, increase the salary of any full-time county official by an amount not to exceed thirty percent above the salary provided in this section or section 27-08-08, if, in the judgment of such board, by reason of duties performed, the official merits the increase. The salary of a county official shall not be reduced during his or her term of office. Any county official performing duties on less than a full-time basis may be paid a reduced salary set by the board of county commissioners. In the event the county has for its employees, a group insurance program ~~for its employees~~ for hospital benefits, medical benefits, or life insurance, or a group retirement program, financed in part or entirely by the county, such benefits may be in addition to the salaries payable to county officials.

Approved March 8, 1979

CHAPTER 160

HOUSE BILL NO. 1345
(Gunsch)MILEAGE REIMBURSEMENT FOR
COUNTY OFFICIALS

AN ACT to amend and reenact section 11-10-15 of the North Dakota Century Code, relating to mileage reimbursement for county officials.

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

SECTION 1. AMENDMENT.) Section 11-10-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10-15. MILEAGE OF OFFICIALS.) Unless otherwise provided by the laws of this state, every county official, whether elective or appointive, and every deputy of a county official, entitled by law to travel or mileage expense, shall be allowed or paid ~~only the following amounts~~ the same amounts allowed state officers and employees under section 54-06-09 for each mile actually and necessarily traveled in the performance of official duties:

~~1. Fifteen cents per mile when such travel is by motor vehicle.~~

~~2. When such travel is by rail or other common carrier, the amount actually and necessarily expended therefor.~~

Approved March 3, 1979

CHAPTER 161

HOUSE BILL NO. 1476
(Gackle)

COUNTY DIRECTORS OF TAX EQUALIZATION

AN ACT to amend and reenact subsection 2 of section 11-10.1-05 of the North Dakota Century Code, providing that the county director of tax equalization succeed city assessors only in cities with populations of under five thousand that choose not to have their own assessor.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 11-10.1-05 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. On January 1, 1981, the county director of tax equalization shall succeed to all the powers and duties of assessors of townships, cities with a population of under five thousand, and unorganized districts within such county, except that any city with a population of under five thousand or township may, at its option by resolution of its governing body, employ an assessor who shall retain such powers, duties, and responsibilities of his office. The resolution of a city or township governing body to employ an assessor shall continue in force until rescinded by the governing body. Notwithstanding any other provision of law to the contrary, the state supervisor of assessments shall confer with representatives of the county commissioners, city governing bodies, state township officers association, and personnel at North Dakota state university to establish minimum requirements for ~~such~~ all city and township assessors. Such standards shall reflect their limited jurisdiction and need not be equal to those minimum requirements set for county directors of tax equalization. Any courses of instruction included in those minimum requirements shall be conducted by the county director of tax equalization who may cooperate with other county directors of tax equalization in holding joint classes. The county director of tax equalization may call upon the state supervisor of

assessments for such materials and assistance as may be required. No person shall serve as a city or township assessor for longer than twelve months before being certified by the state supervisor of assessments as having met such minimum requirements. The expenses and salaries of city and township assessors shall be paid by the city or township exercising this option.

Approved March 13, 1979

CHAPTER 162

SENATE BILL NO. 2396
(Albers)

GROUP BENEFIT PROGRAMS

AN ACT to create and enact a new subsection to section 11-11-14 of the North Dakota Century Code, relating to powers of boards of county commissioners.

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

SECTION 1.) A new subsection to section 11-11-14 of the 1977 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To expend county funds to finance in part or entirely for county employees a group insurance program for hospital benefits, medical benefits or life insurance, and a group retirement program through either the state retirement program or a private company.

Approved March 8, 1979

CHAPTER 163

HOUSE BILL NO. 1474
(Martinson)

ARCHITECT COMPENSATION LIMIT REPEALED

AN ACT to repeal section 11-11-32 of the North Dakota Century Code, relating to the employment of architects by the board of county commissioners.

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

SECTION 1. REPEAL.) Section 11-11-32 of the North Dakota Century Code is hereby repealed.

Approved March 3, 1979

CHAPTER 164

HOUSE BILL NO. 1489
(Representatives Maixner, Thompson)
(Senator Roen)

COUNTY TELEVISION BOOSTER STATION

AN ACT to provide for television booster stations to be created by petition and election in the counties, providing a two-mill tax levy for the establishment of a booster station, and providing for exemption for townships not served by the station.

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

SECTION 1. CREATION OF BOOSTER STATION BY ELECTION.) When a petition signed by not less than twenty percent of the qualified electors of the county, as determined by the vote cast for the office of governor at the last preceding gubernatorial election, requesting an election upon the question of establishing a television booster station, ultra high frequency, hereinafter referred to as UHF booster station, is presented to the board of county commissioners, the board of county commissioners shall submit the question to the electors of the county at the next countywide election. Upon approval by sixty percent of the votes cast, the board of county commissioners shall establish a UHF booster station, within the limits of the county, at a site to be named and established by the board of county commissioners.

SECTION 2. MILL LEVY AUTHORIZED.) The board of county commissioners of any county in the state in which a UHF booster station has been voted on and approved by the people as provided for in section 1 of this Act, may levy, not to exceed an amount necessary for such purpose, which amount shall not exceed two mills, upon the taxable valuation of the property in the county. This levy shall not be restricted by the county tax levy limitation prescribed by law.

SECTION 3. EXEMPTIONS - TOWNSHIPS NOT SERVED.) When a petition signed by not less than twenty percent of the qualified electors of a township, not served by the UHF booster station, as determined by the vote cast for the office of governor at the last preceding gubernatorial election, is presented to the board of county commissioners requesting an exemption from the provisions of

section 2 of this Act, the board of county commissioners shall submit the question to the board of township supervisors who shall submit the question to the electors of the township at the next township election. Upon certification of the board of township supervisors to the board of county commissioners of approval by a majority of the votes cast, the board of county commissioners shall exempt the township from the tax levy as provided in section 2 of this Act.

Approved April 3, 1979

CHAPTER 165

SENATE BILL NO. 2286
(Holmberg)

SHERIFF'S FEES

AN ACT to amend and reenact section 11-15-07 of the North Dakota Century Code, relating to the fees charged and collected by the sheriff on behalf of the county.

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

SECTION 1. AMENDMENT.) Section 11-15-07 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-15-07. COUNTY FEES.) The sheriff shall charge and collect the following fees on behalf of the county:

1. For serving a capias with commitment of bail and return, five dollars.
2. For serving a summons, warrant of attachment, order of replevin, injunctional order, citation, and other mesne process and making a return thereon, a total of five seven dollars and fifty cents for each person served at different locations.
3. For making a copy of a summons or order of attachment, two dollars.
4. For making a copy of an injunctional order, two dollars.
5. For serving a subpoena on a witness, each person, five seven dollars and fifty cents.
6. For taking and filing a bond in claim and delivery or any other undertaking to be furnished and approved by the sheriff, five seven dollars and fifty cents.
7. For making a copy of any process, bond, or paper, other than as is herein provided, two dollars per page.

8. For levying a writ of execution and making a return thereof, ~~ten~~ fifteen dollars.
9. For levying a writ of possession with the aid of the county, ten dollars.
10. For levying a writ of possession without the aid of the county, ten dollars.
11. For serving a notice of motion or other notice or order of the court, ~~five~~ seven dollars and fifty cents.
12. For executing a writ of habeas corpus and making a return thereon, five dollars.
13. For serving a writ of restitution and making a return thereon, five dollars.
14. For calling an inquest to appraise any goods and chattels which he may be required to have appraised, five dollars, and each appraiser shall receive twenty dollars to be taxed as costs.
15. For advertising a sale in a newspaper, in addition to the publisher's fees, five dollars.
16. For advertising in writing for the sale of personal property, five dollars.
17. For executing a writ or order of partition, five dollars.
18. For making a deed to land sold on execution or pursuant to an order of sale, five dollars.
19. For issuing a certificate of redemption when property has been redeemed from a sale under execution or upon the foreclosure of a mortgage, five dollars.
20. For selling real or personal property under foreclosure of any lien or mortgage by advertisement, ~~ten~~ fifteen dollars.
21. For boarding prisoners, a sum to be determined by the county commissioners, by resolution in advance, which sum shall be per meal for meals actually served, and not to exceed one dollar and fifty cents for breakfast, two dollars for dinner, and three dollars for supper.
22. For issuing permit or license to carry pistol or revolver, four dollars; and for renewal of such permit or license, one dollar.

Approved April 7, 1979

CHAPTER 166

HOUSE BILL NO. 1361
(Martinson)

MILEAGE REIMBURSEMENT FOR SHERIFFS

AN ACT to amend and reenact subsection 1 of section 11-15-12 of the North Dakota Century Code, relating to mileage for sheriffs.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 11-15-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The sum of ~~fifteen~~ twenty cents minimum per mile when travel is by motor vehicle.

Approved March 3, 1979

CHAPTER 167

HOUSE BILL NO. 1529
(G. Larson, Retzer, Unhjem)

STATE'S ATTORNEY INQUIRY AUTHORITY

AN ACT to amend and reenact section 11-16-15 of the North Dakota Century Code, relating to state's attorney inquiry into violations or criminal acts causing deaths and allowing such inquiry into all felonies.

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

SECTION 1. AMENDMENT.) Section 11-16-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-16-15. CRIMINAL ACT CAUSING DEATH - FELONIES - INQUIRY - STATE'S ATTORNEY MAY SUBPOENA WITNESSES.) If a state's attorney shall be notified by any officer or other ~~persons~~ person, or be cognizant himself of any violation or criminal act causing a death, or in any manner connected therewith, or have reason to believe a felony has been committed, he may, prior to a crime being charged, inquire into the facts of such violation or criminal act, and, with the consent and approval of the district judge of the county, for such purpose he shall may issue his a subpoena for any person who he has reason to believe has any information or knowledge of such violation, to appear before him at a time and place designated in such subpoena, then and there to testify concerning any such violation. The subpoena shall be directed to the sheriff or any constable of the county and shall be served and returned to the state's attorney in the same manner as subpoenas are served and returned in criminal cases. Each witness shall be sworn by the state's attorney to testify under oath, and to make true answer to all questions which may be propounded to him by such state's attorney touching any such violation or criminal act. The testimony of every witness shall be reduced to writing, and shall become a part of the coroner's files in ~~such~~ the case of a death and of the state's attorney's files in all other cases. For all purposes in this section the state's attorney may:

1. Administer oaths or affirmations to all witnesses.

2. Apply to the district court for the punishment of any witness for contempt for or on account of any disobedience of a subpoena, a refusal to be sworn, or to answer as a witness, or a refusal to sign his testimony.
3. Compel the attendance of witnesses by attachment in the manner and with the effect provided in title 27. Any witness compelled to testify under the provisions of this section shall be entitled to counsel and all other constitutional rights.

Approved March 15, 1979

CHAPTER 168

HOUSE BILL NO. 1548
(Marsden, Houmann)

GRANTOR AND GRANTEE INDEXES

AN ACT to amend and reenact section 11-18-08 of the North Dakota Century Code, relating to the contents of the separate grantor and grantee indexes to be kept by the county register of deeds.

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

SECTION 1. AMENDMENT.) Section 11-18-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-08. SEPARATE GRANTOR AND GRANTEE INDEXES TO BE KEPT FOR TRANSFERS AND FOR LIENS - CONTENTS.) The register of deeds shall keep separate grantor and grantee indexes of the deeds, contracts, and other instruments not merely liens, and separate grantor and grantee indexes of the mortgages and other instruments which are liens affecting or relating to the title to real property. Such indexes shall show:

1. The names of the grantors and of the grantees.
2. The dates of the several instruments filed for record.
3. The dates upon which the several instruments are filed.
4. ~~The descriptions of~~ An abbreviated description of the real property affected by such instruments.
5. The number of the book and page where the instrument is recorded or the document number of the instrument.

Approved March 10, 1979

CHAPTER 169

HOUSE BILL NO. 1617
(Vander Vorst, Leibhan)

BURIED TRANSMISSION FACILITY NOTICE

AN ACT to amend and reenact sections 11-18-16, 11-18-17, and 11-18-20 of the North Dakota Century Code, relating to buried transmission facilities; and providing an effective date.

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

SECTION 1. AMENDMENT.) Section 11-18-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-16. BURIED TRANSMISSION FACILITIES - FILING NOTICE THEREOF.) Any person, firm, association, or corporation, including all political subdivisions, owning or having control of any pipes, wires, cables, or other facilities for the transmission of gas, oil, electricity, water, communications, or other products or services, which are buried beneath the surface of the ground, including areas within the limits of any political subdivision, shall give written notice thereof to the office of the register of deeds in the county where the facilities are located. This notice shall state the name, address, and telephone number of the owner or person having control of the facilities, and shall contain a description of the location of these facilities by quarter-section, section number, township number, township name if there is one, range number, and city name. Railroads and the North Dakota state highway department are not required to file this notice for their facilities buried on their rights of way. The notice provided for in this section shall not be required to appear in any abstract of title prepared by a registered abstracter.

SECTION 2. AMENDMENT.) Section 11-18-17 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-17. ESTABLISHMENT OF A COUNTY CARD FILE SYSTEM.) The register of deeds of each county where the facilities described in section 11-18-16 are buried shall establish and maintain a uniform card file system containing the information furnished by the owner or person having control of these facilities. This file shall

contain listings of buried facilities located by quarter-section, section, range, township, and, where applicable, by city. A copy of such file card or files shall be given or mailed to any person upon request and the payment of one dollar for each such card copy furnished by the register of deeds.

SECTION 3. AMENDMENT.) Section 11-18-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-20. CARD TO BE USED IN SUBMITTING INFORMATION TO COUNTY REGISTERS OF DEEDS.) The written notice of the location of buried transmission facilities required in section 11-18-16 to be given to the county register of deeds' office in the county wherein the facilities are located shall be submitted on a white, eight-inch by five-inch card suitable for use in a file maintained for the same by the county register of deeds. The card shall contain labeled spaces for: the name, address, and telephone number of the person, firm, association, or corporation owning or controlling the buried facility; the date the card is submitted; a description of the type of buried facility; the township number, township name if any, quarter-section location, section number, range number, and city name; a grid showing the thirty-six sections within that particular township, each section having a separate quarter square within the grid; and the phrase, "This information was submitted on this card by the owners or controllers of the buried facility in question. The county register of deeds assumes no responsibility for the accuracy of the information contained on this card". The location of the facilities will be indicated on these cards by the owners or controllers of the facilities by placing an "X" through the appropriate ~~section---ex---sections~~ quarter-section on the grid mentioned above. These cards shall be furnished by the owners and controllers of the buried facilities. Questions concerning the uniformity of these cards shall be decided by the North Dakota secretary of state.

SECTION 4. EFFECTIVE DATE.) The provisions of this Act shall become effective on July 1, 1979, and shall be prospective only.

Approved March 19, 1979

CHAPTER 170

SENATE BILL NO. 2322
 (Senators Reiten, Erdman)
 (Representatives Marsden, Timm)

RECREATION SERVICE DISTRICT IMPROVEMENTS

AN ACT to create and enact a new section to chapter 11-28.2 of the North Dakota Century Code, relating to the power of recreation service districts to make improvements and finance the cost thereof through levying special assessments and taxes, imposing service charges and issuing warrants; and to amend and reenact section 11-28.2-04 of the North Dakota Century Code, relating to powers of recreation service districts and levying of special assessments.

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

SECTION 1.) A new section to chapter 11-28.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

POWER OF RECREATION SERVICE DISTRICTS TO MAKE IMPROVEMENTS - CREATING DISTRICT - DETERMINING NECESSITY - CONTRACTING FOR IMPROVEMENT - LEVYING SPECIAL ASSESSMENTS AND TAXES AND IMPOSING SERVICE CHARGES - ISSUANCE OF WARRANTS.) Each recreation service district established under the provisions of this chapter shall have the authority to make those improvements specified in subdivisions a and b of subsection 8 of section 21-03-06. In making any such improvement, in addition to any other powers granted in chapter 21-03, a recreation service district shall, subject to the provisions of this section, be deemed to be a "municipality", as the term is used in chapters 40-22 to 40-27, inclusive, for the purpose of creating an improvement district, determining the necessity of making an improvement, contracting for an improvement, levying special assessments and general taxes and imposing service charges to pay the cost of an improvement, issuing temporary, definitive, and refunding warrants to finance an improvement, and levying general taxes to pay any deficiency in moneys available to pay the principal and interest on any warrants so issued. The above language refers to all projects and services costing more than five thousand dollars. Provided, however, with respect to section 40-22-15 if the resolution declaring improvements necessary is required to be published, it shall also be sent by certified mail to

the owners of all property within the improvement district not more than ten days after the first publication of the resolution.

SECTION 2.) Section 11-28.2-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28.2-04. POWERS OF RECREATION SERVICE DISTRICTS - LEVYING OF SPECIAL ASSESSMENTS.) Each recreation service district established under the provisions of this chapter shall have the authority to provide police protection, sewer and water, garbage removal services, and public road construction and maintenance, in addition to that provided by the local governing body or other agency to summer homes, cottages, and other residences and establishments as may exist within its boundaries, and to provide for the improvement and control of the environmental quality of the recreation service district, and to levy special assessments as may be necessary to provide such services. All projects and services to be provided by a recreation service district other than pursuant to section 1 of this Act shall first be approved by a majority of the qualified voters of the district affected by such special assessment and present and voting at an annual or special meeting called as provided in this chapter. The levying of special assessments for sewer and water, garbage removal services, public road construction and maintenance, and improvement of environmental quality shall be levied against those parcels of property benefited in the manner provided by law for the levying of special assessments for municipalities and the costs of police protection may be levied in such manner. Any recreation service district may contract with other political subdivisions for joint or cooperative action as provided in chapter 54-40. The board of recreation service district commissioners shall be responsible for the administration and accounting of such obligations and accounts as shall be undertaken in accordance with the provisions of this chapter. The board of recreation service district commissioners shall serve as the special assessment commission and shall make or cause to be made a complete list of the annual benefits and assessments on each parcel of property within the district. The board shall also hear appeals from aggrieved property owners concerning assessments made, and shall have the authority to increase or decrease any assessment as may be just and necessary. No special assessment shall exceed the benefits as determined by the board to the parcel of property assessed. The board shall have the authority to cooperate with the state or federal government or any agency or department thereof in furnishing assurances and meeting local cooperation requirements, within the scope of the power of said board, in connection with any project involving the construction, improvement, operation, maintenance, conservation, or use of the area, including waters, within the recreation service district.

Approved March 12, 1979

CHAPTER 171

HOUSE BILL NO. 1375
(Wessman, Black)

AMBULANCE SERVICE MILL LEVIES

AN ACT to amend and reenact sections 11-28.3-03, 11-28.3-04, 11-28.3-09, 57-15-50, 57-15-51, and 57-15-51.1 of the North Dakota Century Code, relating to increasing the city, county, township, and rural ambulance service district mill levies allowed for ambulance services and providing for a dedicated ambulance sinking fund for replacement of equipment and ambulances.

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

SECTION 1. AMENDMENT.) Section 11-28.3-03 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28.3-03. NOTICE OF ELECTION.) In addition to the usual requirements of notices of election, the notice for an election at which the question provided for in this chapter will be voted upon shall include a statement describing the boundaries of the proposed rural ambulance service districts, expressed, wherever possible, in terms of the government survey, a statement ~~that the setting forth a~~ specified mill levy for the proposed district ~~will not exceed one mill~~, such mill levy not to exceed five mills and a statement that only the property contained within the boundaries of the proposed district will be taxed. The notice of election shall also state the voting areas in which the question provided by this chapter will be on the ballot.

SECTION 2. AMENDMENT.) Section 11-28.3-04 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28.3-04. FORM OF BALLOT - VOTE REQUIRED TO APPROVE.) The ballot on the question of forming a rural ambulance service district shall be in substantially the following form:

Shall (name of taxing district or districts) levy a tax of not to exceed ~~one-mill~~ ----- mills for the purpose of forming a rural ambulance district?

Yes _____
No _____

If sixty percent of all the votes cast on the question of levying a tax and forming a rural ambulance service district are in favor of such a tax levy, then the formation of the district shall be approved.

SECTION 3. AMENDMENT.) Section 11-28.3-09 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28.3-09. AMBULANCE SERVICE POLICY TO BE DETERMINED.) The board of directors shall establish a general ambulance service policy for the district and shall annually estimate the probable expense for carrying out that policy. The estimate shall be certified by the president and secretary to the proper county auditor or county auditors, on or before June thirtieth of each year. The auditor or auditors shall levy a tax not to exceed ~~one mill~~ five mills upon the taxable property within the district for the maintenance of the ambulance service district for the fiscal year as provided by law. The tax shall be:

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

In no case shall the amount of the tax levy exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense including the amount of principal and interest upon the indebtedness of the district for the ensuing year. The district may include in its operating budget no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated ambulance sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent ambulance sinking fund may be in addition to the actual annual operating budget, but the total of the annual operating budget and the annual ten percent ambulance sinking fund shall not exceed the approved mill levy.

SECTION 4. AMENDMENT.) Section 57-15-50 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-50. LEVY AUTHORIZED FOR COUNTY AMBULANCE SERVICE.) Upon petition of ten percent of the number of qualified electors of the county voting in the last election for governor or upon its own motion, the board of county commissioners of each county shall levy annually a tax of not to exceed ~~one-half-mill~~ five mills on the net taxable assessed valuation of the county, for the purpose of subsidizing county ambulance services, provided that such tax shall be approved by a majority of the voters of the county at a regular or special countywide election. The mill levy provided by this section shall not be subject to the mill levy limitations for general and special county purposes contained in section 57-15-06. The county may budget, in addition to its annual operating budget for subsidizing ambulance service, no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated ambulance sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent ambulance sinking fund shall be in addition to the annual operating budget for subsidization, but the total of the annual operating budget and the annual ten percent ambulance sinking fund shall not exceed the approved mill levy.

SECTION 5. AMENDMENT.) Section 57-15-51 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-51. LEVY AUTHORIZED FOR CITY AMBULANCE SERVICE.) Upon petition of ten percent of the number of qualified electors of the city voting in the last election for governor or upon its own motion, the governing body of each city in this state shall levy annually a tax of not to exceed ~~one-mill~~ five mills upon its net taxable assessed valuation, for the purpose of subsidizing city ambulance services, provided that such tax shall be approved by a majority of the voters of the city at a regular or special city election. Whenever a tax for county ambulance services is levied by a county, any city levying a tax for, or subsidizing city ambulance services, shall upon written application to the county board of such county be exempted from such county tax levy. The city may set aside, as a depreciation expense, up to ten percent of its annual ambulance service operating or subsidization budget in a dedicated ambulance sinking fund, deposited with the treasurer for replacement of equipment and ambulances. The ten percent ambulance sinking fund may be in addition to the actual annual ambulance budget but the total of the annual ambulance budget and the annual ten percent ambulance fund shall not exceed the approved mill levy.

SECTION 6. AMENDMENT.) Section 57-15-51.1 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-51.1. LEVY AUTHORIZED FOR TOWNSHIP AMBULANCE SERVICE.) Pursuant to a vote of sixty percent of the qualified electors voting

at the annual township meeting, or at a special election called for that purpose upon petition of fifty percent of the number of qualified electors of the township voting in the last election for governor, the board of township supervisors shall levy annually a tax approved by the electorate of not to exceed ~~one-mill~~ five mills on the net taxable assessed valuation of the township for the purpose of subsidizing township ambulance service. Such levy shall be in addition to those authorized under sections 57-15-50 and 57-15-51.

Approved March 3, 1979