

COUNTIES

CHAPTER 146

HOUSE BILL NO. 1332
(Representatives Mertens, B. Larson, S. F. Hoffner)
(Senators Leibhan, Stromme)

BOUNDARIES OF BENSON AND RAMSEY COUNTIES

AN ACT to amend and reenact sections 11-01-04 and 11-01-37 of the North Dakota Century Code, relating to correction of boundary descriptions of Benson County and Ramsey County.

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

SECTION 1. AMENDMENT. Section 11-01-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-01-04. Benson County. Beginning at the southwest corner of township one hundred fifty-one north, range seventy-one west of the fifth principal meridian; thence east along the line between townships one hundred fifty and one hundred fifty-one north to the southeast corner of township one hundred fifty-one north, range sixty-two west; thence north along the line between ranges sixty-one and sixty-two to a point one thousand three hundred twenty feet, more or less, south of the northeast corner of section twelve, township one hundred fifty-one north, range sixty-two west, the same being the quarter quarter line; thence due west along said quarter quarter line to point where said quarter quarter line intersects the east boundary of the Devils Lake Indian Reservation; thence northerly along said boundary line to the southeast corner of lot five, section ten, township one hundred fifty-one, range sixty-two; thence due west along the south line of said lot five and thence due west on the quarter quarter line to a point where said quarter quarter line intersects the meander line of East Devils Lake; thence southerly along said meander line to the southern extremity of said meander line on said East Devils Lake as established reestablished by the United States Geological Survey in 1927-28 department of the interior in surveys accepted in 1972; thence in a northwesterly direction along said south meander line of East Devils Lake and Devils Lake to the point of intersection of the thirteenth standard parallel with the meander line of Devils Lake in section thirty-one, township one hundred fifty-three north, range sixty-five west; thence west along said thirteenth standard parallel to the intersection of the range line between ranges sixty-five and sixty-six west; thence north along said range line to the northeast corner

of township one hundred fifty-three north, range sixty-six west; thence west along the line between townships one hundred fifty-three and one hundred fifty-four north to a point on the west meander line of Devils Lake as established reestablished by the United States Geological Survey in 1928-29 department of the interior in surveys accepted in 1972; thence in a northwesterly direction along said meander line to a point where said meander line intersects the center of Mauvaise Coulee; thence in a northwesterly direction along the center of Mauvaise Coulee to a point where said centerline intersects the range line between ranges sixty-six and sixty-seven west; thence north along said range line to the northeast corner of township one hundred fifty-six north, range sixty-seven west, a point on the fourteenth standard parallel; thence west along the fourteenth standard parallel to the northwest corner of township one hundred fifty-six north, range seventy-one west; thence south along the line between ranges seventy-one and seventy-two west to the southwest corner of township one hundred fifty-three north, range seventy-one west, a point on the thirteenth standard parallel; thence east along the thirteenth standard parallel to the northwest corner of township one hundred fifty-two north, range seventy-one west; thence continuing south along the line between ranges seventy-one and seventy-two west to the point of beginning.

SECTION 2. AMENDMENT. Section 11-01-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-01-37. Ramsey County. Beginning at the southeast corner of township one hundred fifty-three north, range sixty-one west of the fifth principal meridian, a point on the thirteenth standard parallel; thence north along the line between ranges sixty and sixty-one west to the northeast corner of township one hundred fifty-four north, range sixty-one west; thence east along the line between townships one hundred fifty-four and one hundred fifty-five north to the southeast corner of township one hundred fifty-five north, range sixty west; thence north along the line between ranges fifty-nine and sixty west to the northeast corner of township one hundred fifty-six north, range sixty west, a point on the fourteenth standard parallel; thence west along the fourteenth standard parallel to the southeast corner of township one hundred fifty-seven north, range sixty west; thence continuing north along the line between ranges fifty-nine and sixty west to the northeast corner of township one hundred fifty-eight north, range sixty west; thence west along the line between townships one hundred fifty-eight and one hundred fifty-nine north to the northwest corner of township one hundred fifty-eight north, range sixty-four west; thence south along the line between ranges sixty-four and sixty-five west to the southwest corner of township one hundred fifty-seven north, range sixty-four west, a point on the fourteenth standard parallel; thence west along the fourteenth standard parallel to the northwest corner of township one hundred fifty-six north, range sixty-six west; thence south along the line between ranges sixty-six and sixty-seven west to a point where said line intersects the center of Mauvaise Coulee; thence southeasterly along the center of said Mauvaise Coulee to the intersection with the meander line of Devils Lake at

the mouth of the Mauvaise Coulee; thence along the west meander line of Devils Lake, said line being generally in a southerly and easterly direction, to the line between townships one hundred fifty-three and one hundred fifty-four north; thence east along the line between townships one hundred fifty-three and one hundred fifty-four north to the northwest corner of township one hundred fifty-three north, range sixty-five west; thence south along the line between ranges sixty-five and sixty-six west to a point where said line intersects the thirteenth standard parallel; thence east on the thirteenth standard parallel to a point where the said thirteenth standard parallel intersects the meander line of Devils Lake as ~~established~~ reestablished by the United States Geological Survey in ~~1927-1928~~ department of the interior in surveys accepted in 1972; thence easterly along said meander line to the point on the southern extremity of East Devils Lake; thence northerly along the east meander line of said East Devils Lake to a point where said meander line intersects the south line of lot one, section eight, township one hundred fifty-one north, range sixty-two west; thence east along the quarter quarter line to the intersection of said line with the east boundary of the Devils Lake Indian Reservation; thence southeasterly to where said east boundary line intersects the south line of lot one, section ten, township one hundred fifty-one north, range sixty-two west; thence east along the quarter quarter line to the range line between ranges sixty-one and sixty-two west, being a point one thousand three hundred twenty feet, more or less, south of the northeast corner of section twelve, township one hundred fifty-one north, range sixty-two west; thence north along the line between ranges sixty-one and sixty-two west to the northeast corner of township one hundred fifty-two north, range sixty-two west, a point on the thirteenth standard parallel; thence east along the thirteenth standard parallel to the point of beginning.

Approved March 8, 1983

CHAPTER 147

HOUSE BILL NO. 1268
(Murphy)

**COUNTY SEAT REMOVAL PETITION
AND AFFIDAVIT**

AN ACT to amend and reenact sections 11-04-04 and 11-04-05 of the North Dakota Century Code, relating to county seat removal petition signatures and the affidavit of verification of the petition.

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

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

11-04-04. County seat - Removal - Petition - Election. Whenever ~~sixty percent of the qualified electors of a county, as determined by a petition of electors of the county equal in number to twenty-five percent of the vote votes cast in the county for the office of governor at the preceding general gubernatorial election, shall petition be presented to the board of county commissioners of their~~ that county praying for the asking removal of the county seat from the place where it is located its current location to a place designated in the petition and that an election be held to determine whether or not such removal shall be made 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 11-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-04-05. Petition for removal of county seat must be verified. A petition for the removal of a county seat must be verified by the affidavit of ~~each of the signers thereof the circulator~~ stating that he each signator is a resident of the county and a qualified elector therein, and that he each signator personally signed his their name to the petition knowing the contents and purposes thereof, that the petition was signed in the presence of the circulator, and that the petition was circulated in its entirety.

Approved March 3, 1983

CHAPTER 148

HOUSE BILL NO. 1179
(Committee on Political Subdivisions)
(At the request of the Superintendent of Public Instruction)

BOND OF COUNTY SUPERINTENDENT OF SCHOOLS

AN ACT to create and enact a new subsection to section 11-10-06 of the North Dakota Century Code, relating to bonds of county officers.

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

SECTION 1. A new subsection to section 11-10-06 of the 1981 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

A county superintendent of schools, five hundred dollars.

Approved March 3, 1983

CHAPTER 149

HOUSE BILL NO. 1589
(Moore)

RURAL IMPROVEMENT SPECIAL ASSESSMENT LEVY

AN ACT to create and enact a new section to chapter 11-33.1 of the North Dakota Century Code, relating to levy of special assessments for rural improvements; to amend and reenact subsection 1 of section 21-03-06 and subsection 2 of section 21-03-07 of the North Dakota Century Code, relating to county authority for and financing of special improvements in rural subdivisions; and to repeal sections 11-33.1-01, 11-33.1-02, 11-33.1-03, and 11-33.1-04 of the North Dakota Century Code, relating to special assessments for rural subdivision improvements.

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

* SECTION 1. A new section to chapter 11-33.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

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

** SECTION 2. AMENDMENT. Subsection 1 of section 21-03-06 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. By any county:

* NOTE: This section has been codified as North Dakota Century Code section 11-11-55.1.

** NOTE: Section 21-03-06(1) was also amended by section 1 of Senate Bill No. 2256, chapter 279.

- a. To provide county buildings, but all outstanding unpaid bonds for this purpose shall not exceed in amount at any one time five percent of the value of taxable property in such county.
- b. To construct, enlarge, or repair, or aid in the construction, enlargement, or repair, of bridges within or without the county, but all outstanding unpaid bonds for this purpose shall not exceed in amount at any one time one percent of the value of taxable property in the county.
- c. To provide funds for the original construction and for the improvement and maintenance of highways, but all outstanding unpaid bonds for these purposes shall not exceed in amount at any one time ~~one~~ four percent of the value of taxable property in such county.
- d. To provide funds for the construction of solid waste disposal facilities, for the acquisition of real estate for that purpose, for facilities and equipment for the collection of solid wastes, and for facilities and equipment to dispose of waste products.
- e. To provide funds for improvements in rural platted, zoned, and recorded subdivisions with restrictive covenants, in accordance with chapter 11-33-1. Any bonds issued for this purpose shall not be considered against the general bonding authority of the county. To provide money for the payment of any deficiency in the fund of any special improvement district whenever the special assessment or taxes levied and collected for the specific improvements are insufficient to pay the principal or interest of any special improvement warrants or bonds issued for the improvement and due and unpaid, but only to the extent of that deficiency.

SECTION 3. AMENDMENT. Subsection 2 of section 21-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The governing body may issue bonds of the municipality for the purpose and within the limitations specified by section 21-03-06, subsection 1, subdivision e, section 21-03-06, subsection 2, subdivision g, and section 21-03-06, subsection 7, without an election.

SECTION 4. REPEAL. Section 11-33.1-02 of the North Dakota Century Code, and sections 11-33.1-01, 11-33.1-03, and 11-33.1-04 of the 1981 Supplement to the North Dakota Century Code are hereby repealed.

Approved April 5, 1983

* NOTE: Section 21-03-07(2) was also amended by section 44 of House Bill No. 1058, chapter 82.

CHAPTER 150

HOUSE BILL NO. 1131
(Unhjem)

PLAT AND REPLAT RECORDING REQUIREMENTS

AN ACT to amend and reenact sections 11-13-12, 11-13-13, and 11-18-02 of the North Dakota Century Code, relating to the prohibition against recording certain instruments prior to the payment of delinquent taxes assessed against the property described in those instruments.

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

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

11-13-12. Auditor's certificate of taxes paid on deeds, plats, replats, and patents. Whenever a deed, contract for deed, or patent is presented to the county auditor for transfer, he shall ascertain from the books and records in his office and in the office of the county treasurer if there are delinquent taxes or special assessments against the land described in the instrument or if such land has been sold for taxes. If there are delinquent taxes or delinquent special assessments or installments of special assessments against lands described in the instrument, he shall certify the same. When the receipt of the county treasurer is produced for the delinquent taxes or special assessments or installments of special assessments, the county auditor shall enter on every deed, contract for deed, or patent so transferred, over his official signature: "Delinquent taxes and special assessments or installments of special assessments paid and transfer entered", or if the land described has been sold for taxes to a purchaser other than the county, he shall enter "Taxes paid by sale of the land described within and transfer entered", or if the instrument presented is entitled to record without regard to taxes, he shall enter "Transfer entered". 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 if there are current or delinquent taxes, special assessments and after February 1 of each

year the tax estimate for that year against the land described in the instrument or if such 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 11-13-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-13-13. Auditor's record of transfer of title to real property - Fees - Exception. The county auditor shall keep a record in a book kept for that purpose of all deeds ~~or~~, contracts for deed, plats, replats, patents, auditor's lots, and any other instruments that change the current property description presented to him for transfer. Such record shall show the names of the grantor and grantee, the description of the property, and the date of the transfer. ~~He shall collect twenty-five cents for each certificate from the person or persons presenting the instrument for certification, except for certificates furnished to county registers of deeds as required by section 11-18-02, which he shall furnish without charge.~~

SECTION 3. AMENDMENT. Section 11-18-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-02. Register of deeds not to record certain instruments unless they bear auditor's certificate of transfer. Except as otherwise provided in section 11-18-03, the register of deeds shall refuse to receive or record any deed ~~or~~, contract for deed, plat, replat, patent, auditor's lot, or any other instrument that changes the current property description unless there is entered thereon a certificate of the county auditor showing that a transfer of the lands described therein has been entered and that the delinquent taxes and special assessments or installments of special assessments against the land described in such instrument have been paid, or if the land has been sold for taxes, that the delinquent taxes and special assessments or installments of special assessments have been paid by sale of the land, or that the instrument is entitled to record without regard to taxes.

Approved March 3, 1983

CHAPTER 151

HOUSE BILL NO. 1649
(Hjelle)SHERIFF'S APPOINTMENT OF
SPECIAL DEPUTIES

AN ACT to amend and reenact section 11-15-02 of the North Dakota Century Code, relating to appointment of special deputies by sheriffs.

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

SECTION 1. AMENDMENT. Section 11-15-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-15-02. Sheriff may appoint special deputies - Compensation. ~~In case of any emergency, the~~ The sheriff may appoint and qualify special deputies in such numbers as ~~in his judgment as~~ are required by the conditions. Each special deputy shall receive compensation for ~~his services rendered~~ and the same mileage allowance as ~~is allowed to~~ regular deputies, ~~such amounts to which must be paid by the county within the limits of funds budgeted for such purpose.~~ The sheriff shall have the sole power of appointing ~~such~~ special deputies and may remove them at pleasure.

Approved March 15, 1983

CHAPTER 152

SENATE BILL NO. 2446
(Wenstrom)

DESTRUCTION OF COURT RECORDS

AN ACT to amend and reenact sections 11-17-08, 11-17-09, and 11-17-10 of the North Dakota Century Code, relating to retention and destruction of district court and county court records.

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

SECTION 1. AMENDMENT. Section 11-17-08 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-17-08. Clerk of court to destroy certain records -- ~~Exception after offer to state archivist.~~

1. ~~The~~ Unless otherwise directed by rules of the supreme court, clerks of the district and county courts ~~are hereby authorized to~~ may remove from the files in their offices and destroy:
 - a. All records in civil actions in which judgment has not been entered and nothing has been filed of record for more than thirty years.
 - b. All records, except the original pleadings, transcripts of testimony, and stipulations signed by the parties or their attorneys, in civil actions in which:
 - (1) Judgment has been entered and nothing has been filed of record for more than ten years if the judgment was not renewed or twenty years if the judgment was renewed.
 - (2) Judgment has been satisfied for more than twenty years.
 - (3) The action has been dismissed for more than twenty years.

2. The clerk of any court of record may destroy Unless otherwise directed by the rules of the supreme court, clerks of district and county courts may destroy:
- a. Shorthand notes and recorded testimony that are on file in his the clerk's office when such those shorthand notes and recorded testimony have been transcribed into any public record that is on file in his the office for more than ten years.
 - b. Shorthand notes which and recorded testimony that have been retained for a period of at least twenty years and not transcribed into public record in any action in which:
 - (1) Judgment has been entered and the time for appeal has expired.
 - (2) Judgment has been satisfied.
 - (3) The action has been dismissed.
 - c. Exhibits twenty years after:
 - (1) Judgment has been entered and the time for appeal has expired.
 - (2) Judgment has been satisfied.
 - (3) The action has been dismissed.
3. Upon ~~the~~ motion of any party to an action, the court may direct the clerk to hold certain records for a period longer than that prescribed in subsections 1 and 2.
4. No records ~~shall be destroyed in accordance with this section~~ referred to in this section may be destroyed without first being offered to the state archivist for preservation as archival resources.

SECTION 2. AMENDMENT. Section 11-17-09 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-17-09. Record made of files destroyed. At the time the files, shorthand notes, recorded testimony, or exhibits referred to in ~~section~~ sections 11-17-08 and 11-17-10 are destroyed or transferred to the state archivist, the clerk of court shall make a record ~~upon the margin or elsewhere~~ upon the entry in the register of actions, or the docket of such the judgment, indicating the removal and final disposition of such the files, shorthand notes, recorded testimony, or exhibits and the date thereof.

SECTION 3. AMENDMENT. Section 11-17-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-17-10. Certain files not to be destroyed. None of the files shall ~~ever~~ may be destroyed in any probate proceeding ~~or in~~, any action for divorce, ~~legitimation~~ establishing parentage, adoption, change of name, or which otherwise affects the status of any person ~~or persons~~, or in any action ~~to determine title or interest in real property, or to quiet title therein, or to establish or foreclose a lien thereon, or for the partition thereof, or which in any way affects the title to real property either by adjudication or by the execution of a judgment that determines or affects title or interest in real property, including quiet title actions, lien foreclosures, partition actions, and executions of judgments.~~

Approved April 13, 1983

CHAPTER 153

HOUSE BILL NO. 1641
(E. Pomeroy)

SECURITY INTEREST FILING ON AGRICULTURAL PRODUCTS

AN ACT to create and enact a new subsection to section 11-18-01 of the North Dakota Century Code, relating to the register of deeds furnishing information on financing statement filed when the collateral is on farm products.

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

SECTION 1. AMENDMENT. A new subsection to section 11-18-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Furnish upon written or telephone request to merchants, as referred to in subsection 7 of section 41-09-28, the information contained in financing statements filed to perfect a security interest pursuant to chapter 41-09 when the collateral is farm products, and to provide written confirmation of the oral information provided upon receipt of a fee which shall be the same as for recording that instrument.

Approved April 5, 1983

CHAPTER 154

HOUSE BILL NO. 1231
(Committee on Political Subdivisions)
(At the request of the Secretary of State)

FEES OF REGISTER OF DEEDS

AN ACT to amend and reenact section 11-18-05 of the North Dakota Century Code, relating to fees of the register of deeds' office.

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

SECTION 1. AMENDMENT. Section 11-18-05 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

1. For recording an instrument affecting title to real estate:
 - a. Deeds, mortgages, and all other instruments not specifically provided for in this subsection, five dollars for the first page and two dollars for each additional page.
 - (1) "Page" means one side of a single legal size sheet of paper not exceeding eight and one-half inches [21.59 centimeters] in width fourteen inches [35.56 centimeters] in length.
 - (2) The printed, written, or typed words must be considered legible by the register of deeds before the page will be accepted for recording.
 - (3) Each real estate instrument must have a legal description considered to be adequate by the register of deeds before such instrument will be accepted for recording.
 - (4) A space of at least four inches by three and one-half inches [10.16 by 8.89 centimeters] square

- must be provided on the front side of each instrument for register of deeds' recording information. If recording information can only be placed on the reverse side of an instrument, an additional page charge shall be levied.
- b. Multipurpose mortgages or mineral instruments which contain additional mortgages or mineral instruments, five dollars for the first page and two dollars for each additional page plus three dollars for each additional mortgage or mineral instrument described therein.
 - c. Plats, irregular tracts, or annexations, five dollars for one lot plus ten cents for each additional lot.
 - d. Oil, gas, and mineral leases, six dollars per page.
2. For filing any instrument, including instruments under the Uniform Commercial Code, notices of intent to drill, and monument corner records, three dollars.
 3. For filing and indexing a financing statement termination, no fee making certified copies of any other recorded instrument, the same charge as for recording that instrument.
 4. For making certified copies of any recorded instrument, the same charge as for recording that instrument a copy of any other filed instrument, one dollar.
 5. For making a financing statement abstract, three dollars for the first five entries and one dollar for each additional five entries or fraction thereof filing and indexing any statement under the Uniform Commercial Code, three dollars, and when a nonstandard statement is presented for filing, an additional fee of two dollars shall be made. For completing a Uniform Commercial Code certificate requesting copies, three dollars for the first three copies or fraction thereof, and one dollar for each additional copy.
 6. For making a copy of any filed instrument, one dollar filing and indexing a financing statement termination, three dollars.
 7. For making a Uniform Commercial Code financing statement abstract, three dollars for the first five entries and one dollar for each additional five entries or fraction thereof.

Approved March 4, 1983

CHAPTER 155

HOUSE BILL NO. 1344
(Representatives R. Anderson, Opedahl, Aubol)
(Senators Wright, Stromme)

DAMAGES TO BURIED TRANSMISSION FACILITIES

AN ACT to amend and reenact section 11-18-19 of the North Dakota Century Code, providing for reasonable attorney fees and costs in suits for damages to buried transmission facilities.

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

SECTION 1. AMENDMENT. Section 11-18-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-19. Injury or damage to the facility - Civil cause of action. When the notice required by section 11-18-16 has been filed, any person conducting any digging, grading, leveling, excavating, blasting, or similar operations on the lands described in the notice who fails to request the accurate location of the facilities as herein provided, or who, having had such facilities accurately located for him, injures or damages the facilities, shall be civilly liable for all damages to the facilities and for all damages for interruption of service occurring because of the damage or injury to the facilities, together with reasonable costs and expenses of suit, including reasonable attorney's fees.

Approved March 8, 1983

CHAPTER 156

HOUSE BILL NO. 1509
(Strinden, Kuchera)

COUNTY BUDGET PROCEDURES

AN ACT to amend and reenact sections 11-23-02, 11-23-05, and 11-23-09 of the North Dakota Century Code, relating to county budget procedures.

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

SECTION 1. AMENDMENT. Section 11-23-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-23-02. Auditor to prepare budget of county expenditures. The county auditor shall prepare annually estimates of county receipts and expenditures for the ensuing year in the form prescribed by the state tax commissioner and state auditor. Such annual budget shall set forth specifically:

1. The estimated aggregate annual expenditures from each fund for the ~~last~~ current fiscal year.
2. The estimated amount of money received in the ~~last~~ current fiscal year from all sources ~~other than from direct property taxes~~ which is available for any purpose.
3. The amount required for each department, public office, and public official, for each public improvement, for the maintenance of each public building, structure, or institution, for the maintenance of public highways, roads, streets, and bridges, for the construction, operation, and maintenance of each public utility, and for each and every purpose authorized by law for which it is desired to raise money for the ensuing year including all contemplated undertakings proposed for the ensuing year.
4. The estimated balance standing to the credit or debit of the several funds and the estimated aggregate amount in all funds at the end of the fiscal year.

5. The amount of uncollected taxes standing to the credit of the county.
6. An estimate of the probable amount that may be received during the ~~incoming~~ ~~of~~ ensuing year from sources other than direct property taxes.
7. The aggregate amount proposed to be raised for all purposes.
8. The amount of the bonded indebtedness of the county, specifying as to each issue the purpose for which issued, the date of issue, the date of maturity, the amount originally issued, the amount outstanding, the rate of interest, and the sum necessary for interest and for sinking fund purposes.
9. The amount required for all interest and sinking fund purposes for the ~~incoming~~ ~~of~~ ensuing year.
10. The amount required to retire all other indebtedness lawfully incurred and to pay interest thereon.
11. The amount required for the ~~general~~ cash reserve fund of the county.

The county auditor shall transmit one copy of such annual budget to the state auditor no later than ~~September tenth~~ January first of each year.

SECTION 2. AMENDMENT. Section 11-23-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-23-05. Computing amount of levy. The amount which the board of county commissioners shall levy as the county tax shall be computed by adding together the amounts of the annual appropriation and of that part of any special appropriation which is to be raised by taxation and deducting therefrom so much of the probable receipts from all sources, except loans, and so much of the unappropriated balance in the county treasury at the close of the auditor's books for the previous year as the board deems advisable. The board, on or before ~~the fourth Tuesday in July~~ October first of each year, shall determine the amount of taxes that shall be levied for county purposes and shall levy all such taxes in specific amounts.

SECTION 3. AMENDMENT. Section 11-23-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-23-09. Expenditures - Bills approved - Unexpended balances. The expenditure of money by a county shall be in accordance with the annual appropriations of the board of county commissioners. All bills in connection with any public office or undertaking shall be approved by the official or officials in charge of the office or undertaking before being allowed by the board of county

commissioners. At the closing of the auditor's books on ~~June thirtieth~~ December thirty-first, the balance to the credit of each annual appropriation shall become a part of the general unappropriated balance in the county treasury. A special appropriation, however, shall not lapse until the work for which it was made has been completed, the bills paid, and the account closed, provided that the county fair fund mentioned in section 4-02-34 shall not be affected by this section but shall be maintained as a continuing fund for the maintenance of the county fair.

Approved March 10, 1983

CHAPTER 157

SENATE BILL NO. 2211
(Committee on Political Subdivisions)
(At the request of the State Auditor)

COUNTY AND SCHOOL WARRANT CANCELLATION

AN ACT to amend and reenact sections 11-25-05 and 15-29-14 of the North Dakota Century Code, relating to the cancellation of county and school warrants.

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

SECTION 1. AMENDMENT. Section 11-25-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-25-05. Warrants - Cancellation - Description in minutes. The board of county commissioners, at each regular meeting, ~~shall~~ may cancel and destroy all warrants drawn on any fund of the county which have remained ~~uncashed for and on file unpaid~~ for a period of ~~six years~~ one year or more ~~next preceeding the regular meeting on which the cancellation takes place.~~ The board may cancel and destroy all warrants which have been subject to payment and which have not been presented for payment for a period of ~~six years~~ one year or more ~~next preceeding such regular meeting.~~ The board, before canceling and destroying any such warrant, shall cause to be entered in the minutes of its proceedings a brief description of the warrant, containing the name of the payee, and the number, date, and amount of each warrant to be ~~destroyed~~ canceled. If the party entitled to any such warrant, ~~or to payment thereon,~~ shall appear ~~thereafter~~ and give good and sufficient reason for his delay in calling for such warrant or in presenting the same for payment, the board may issue ~~to him~~ a new warrant in the amount to which he is entitled, except for the statute of limitations.

SECTION 2. AMENDMENT. Section 15-29-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-29-14. Warrants - Cancellation - ~~Destruction~~-- Description in minutes. The school board, at a regular meeting, may cancel and destroy all warrants drawn on any fund of the school district which have remained ~~on file unpaid~~ for a period of ~~six years~~ one year or more ~~next preceeding the regular meeting on which the cancellation takes place.~~ The school board may cancel all warrants and checks

which have been subject to payment and which have not been presented for payment for a period of ~~six years~~ one year or more ~~next preceeding such regular meetings~~. The school board, before canceling any such warrants or checks, shall cause to be entered in the minutes of its proceedings a brief description of the warrant or check, containing the name of the payee, and the number, date, and amount of each warrant or check to be canceled. If the party entitled to any such warrant or check, ~~or to payment thereon~~, shall appear ~~thereafter~~ and give good and sufficient reason for his delay in calling for such warrant or in presenting the same for payment, the school board may issue to him a new warrant or check in the amount to which he is entitled, except for the statute of limitations. ~~After the same have been first offered to the state historical society, the school board may destroy by burning any canceled warrant after the passage of six years from its date of cancellation.~~

Approved March 4, 1983

CHAPTER 158

SENATE BILL NO. 2094
(Senator Adams)
(Representative Timm)

MAIL NOTICE OF RECREATION DISTRICT IMPROVEMENTS

AN ACT to amend and reenact section 11-28.2-04.1 of the North Dakota Century Code, relating to mailing of notice of improvements to all owners of property within a recreation service district.

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

SECTION 1. AMENDMENT. Section 11-28.2-04.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28.2-04.1. 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, b, and f 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 through 40-27, 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 first-class mail to the owners of all property within the improvement district not more than ten days after the first publication of the resolution.

Approved March 15, 1983