

COUNTIES

CHAPTER 86

HOUSE BILL NO. 1539
(Committee on Delayed Bills)
(Rundle)

APPOINTMENT OF OFFICERS IN CERTAIN COUNTIES

AN ACT to amend and reenact sections 11-09-19, 11-09-22, and 11-09-24 of the North Dakota Century Code, relating to the appointment of sheriffs, county judges, and superintendents of schools in counties adopting a short form of county managership.

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

SECTION 1. AMENDMENT.) Section 11-09-19 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-09-19. SHERIFF - ELECTION - APPOINTMENT - DUTIES - POWERS.) The sheriff of a county adopting a county manager form of government shall be elected in the manner prescribed by general statutes and shall perform the duties and be subject to the restrictions contained in the general statutes. In a county adopting a short form of county managership, the county manager shall, with the approval of the board of county commissioners, appoint one or more police officers who shall perform all police duties imposed on the sheriff by general statutes. All other duties imposed on the sheriff shall be performed by or under the direction of the county manager. The county manager, from time to time or on an annual basis, may contract with an adjoining county and its sheriff to obtain the services of such sheriff, and the compensation of such officer shall be such as shall be agreed upon by the sheriff, the county manager, and the boards of county commissioners of the counties affected.

SECTION 2. AMENDMENT.) Section 11-09-22 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-09-22. COUNTY JUDGE - ELECTION OR APPOINTMENT - DUTIES.) In counties adopting the county manager form of government, the county judge shall be elected in the manner and method prescribed by general statute. In counties adopting a short form of county managership, the county manager, with the approval of the board of county commissioners, shall appoint a county judge. The county judge shall perform the functions imposed on the office by general statute.

SECTION 3. AMENDMENT.) Section 11-09-24 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-09-24. COUNTY SUPERINTENDENT OF SCHOOLS - ELECTION OR APPOINTMENT - DUTIES.) In counties adopting the county manager form of government, the county superintendent of schools shall be elected in the manner prescribed by general statute. In counties adopting a short form of county managership, the county manager, with the approval of the board of county commissioners, shall appoint a county superintendent of schools. The county superintendent of schools shall perform the functions imposed on the office by general statute.

Approved March 28, 1973

CHAPTER 87

SENATE BILL NO. 2335
(Barth, Ringsak, Morgan, Hoffner, Nething)

SALARIES OF COUNTY OFFICERS

AN ACT to provide for the salary of the clerk of the district court; and to amend and reenact sections 11-10-10 and 11-15-03.1 of the North Dakota Century Code, relating to the compensation of elected county officers.

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

SECTION 1. SALARY OF CLERK OF THE DISTRICT COURT.) The salary of the clerk of the district court shall be regulated by the population in the respective counties according to the last preceding official federal census from and after the date when the official report of such census shall have been published by the director of the census or such other official as may be charged with the duty of making such official publication.

The clerk of the district court shall receive the following annual salary, payable monthly, for official services rendered:

1. In counties having a population not exceeding four thousand, the sum of seven thousand two hundred dollars.
2. In counties having a population exceeding four thousand but with less than eight thousand, the sum of seven thousand six hundred dollars.
3. In counties having a population exceeding eight thousand but with less than thirty thousand, the sum of eight thousand one hundred dollars, plus additional compensation of one hundred dollars for each one thousand additional population or major fraction thereof, but not to exceed ten thousand two hundred dollars. 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 subsection.
4. In counties having a population in excess of thirty thousand, the sum of eleven thousand dollars.

The board of county commissioners of any county may, by resolution, increase the salary of any full-time clerk of district court by an

amount not to exceed ten percent above the salary provided in this section, if, in the judgment of such board, by reason of duties performed, the clerk of district court merits the increase. Any clerk of district court performing duties on less than a full-time basis may be paid a salary set by the board of county commissioners in any amount up to ten percent less than the salary provided for that official in this section. However, no salary shall be less than it was on July 1, 1970. In the event the county has a group insurance program for its employees for hospital benefits, medical benefits, or life insurance financed in part or entirely by the county, such benefits may be in addition to the salaries payable to the clerk of district court.

Salaries paid to the clerks of district courts may be adjusted by the respective boards of county commissioners according to the national consumer price index for urban wage earners and clerical workers which is published by the United States department of labor. The adjustment of salaries, whether raised or lowered, shall be computed by using the percentage yearly change on all items from May of the preceding year to May of the present year, but in no event shall salaries be increased more than six percent in any given year. In computing salaries based on the consumer price index, the county commissioners may round off the salary to the nearest one hundred dollars. No adjustment in salaries shall be made prior to July 1, 1974.

SECTION 2. AMENDMENT.) Section 11-10-10 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10-10. SALARIES OF COUNTY OFFICERS.)

1. The salary of the county auditor, county treasurer, county superintendent of schools, register of deeds, county judge, and state's attorney shall be regulated by the population in the respective counties according to the last preceding official federal census from and after the date when the official report of such census shall have been published by the director of the census or such other official as may be charged with the duty of making such official publication;
2. The county treasurer, register of deeds, county judge, 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 seven thousand dollars.
 - b. Seven thousand four hundred dollars in counties having a population exceeding four thousand but with less than eight thousand.
 - c. Seven thousand seven hundred dollars in counties having a population exceeding eight thousand but with less than thirty thousand population, plus additional compensation of one hundred dollars per

year for each one thousand additional population or major fraction thereof, but not to exceed the total sum of nine thousand eight hundred dollars. 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.

- d. In counties having a population in excess of thirty thousand, the sum of ten thousand four hundred dollars. However, state's attorneys in counties having a population exceeding thirty-five thousand shall receive a salary of from fourteen thousand to twenty thousand dollars, to be determined by resolution of the board of county commissioners.
3. The county auditor 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 seven thousand two hundred dollars.
 - b. Seven thousand six hundred dollars in counties having a population exceeding four thousand but with less than eight thousand.
 - c. Eight thousand one hundred dollars in counties having a population exceeding eight thousand but less than thirty thousand population, plus additional compensation of one hundred dollars per year for each one thousand additional population or major fraction thereof, but not to exceed the total sum of ten thousand two hundred dollars. 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.
 - d. In counties having a population in excess of thirty thousand, the sum of eleven thousand dollars.
 4. The county superintendent of schools 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 six thousand six hundred dollars.
 - b. Six thousand seven hundred dollars in counties having a population exceeding four thousand but with less than eight thousand.
 - c. Seven thousand dollars in counties having a population exceeding eight thousand but with less

than thirty thousand population, plus additional compensation of one hundred dollars per year for each one thousand additional population or major fraction thereof, but not to exceed the total sum of nine thousand one hundred dollars. 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.

- d. In counties having a population in excess of thirty thousand, the sum of nine thousand eight hundred dollars.

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 ten 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. Any county official performing duties on less than a full-time basis may be paid a salary set by the board of county commissioners in any amount up to ten percent less than the salary provided for that official in this section. However, no salary shall be less than it was on July 1, 1970. In the event the county has a group insurance program for its employees for hospital benefits, medical benefits, or life insurance financed in part or entirely by the county, such benefits may be in addition to the salaries payable to county officials under sections 1 and 2 of this Act, section 11-15-03.1, and this section.

Salaries paid to the county officials may be adjusted by the respective boards of county commissioners according to the national consumer price index for urban wage earners and clerical workers which is published by the United States department of labor. The adjustment of salaries, whether raised or lowered, shall be computed by using the percentage yearly change on all items from May of the preceding year to May of the present year, but in no event shall salaries be increased more than six percent in any given year. No adjustment in salaries shall be made prior to July 1, 1974.

5. Each county commissioner may receive an annual salary or per diem as provided by resolution of the board, which salary or per diem, together with mileage and expenses as hereinafter provided shall not exceed the following limits: In counties having a population of eight thousand or less, three thousand three hundred dollars; in counties having a population of over eight thousand and less than fifteen thousand, three thousand nine hundred fifty dollars; and in counties

having a population of over fifteen thousand, four thousand eight hundred dollars; and for the purpose of fixing the maximums herein provided, population figures shall be those established by the most recent federal census. The allowance for meals and lodging expenses shall be 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.

SECTION 3. AMENDMENT.) Section 11-15-03.1 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-15-03.1. SALARY OF COUNTY SHERIFF.) The salary of the county sheriff shall be regulated by the population in the respective counties according to the last preceding official federal census from and after the date when the official report of such census shall have been published by the director of the census or such other official as may be charged with the duty of making such official publication.

The county sheriff shall receive the following annual salary, payable monthly, for official services rendered:

1. In counties having a population not exceeding four thousand, the sum of seven thousand eight hundred dollars.
2. Eight thousand dollars minimum salary in counties having a population exceeding four thousand but with less than eight thousand.
3. Eight thousand three hundred dollars minimum salary in counties having a population exceeding eight thousand but with less than thirty thousand, plus additional compensation of one hundred dollars for each one thousand additional population or major fraction thereof, but not to exceed the total sum of ten thousand four hundred dollars.
4. Eleven thousand five hundred dollars minimum salary in counties having a population exceeding thirty thousand.

The board of county commissioners of any county may, by resolution, increase the salary of the county sheriff by an amount not to exceed ten percent above the salary provided for

in this section, if, in the judgment of such board, by reason of duties performed, the official merits the increase. Any sheriff performing duties on less than a full-time basis may be paid a salary set by the board of county commissioners in any amount up to ten percent less than the salary provided for that sheriff. However, no salary shall be less than it was on July 1, 1970. In the event the county has a group insurance program for its employees for hospital benefits, medical benefits, or life insurance financed in part or entirely by the county, such benefits may be in addition to the salaries payable to the sheriff.

Salaries paid to the sheriffs may be adjusted by the respective boards of county commissioners according to the national consumer price index for urban wage earners and clerical workers which is published by the United States department of labor. The adjustment of salaries shall be computed by using the percentage yearly change on all items from May of the preceding year to May of the present year, but in no event shall salaries be increased more than six percent in any given year. No adjustment in salaries shall be made prior to July 1, 1974.

Approved March 27, 1973

CHAPTER 88

HOUSE BILL NO. 1449
(Hildebrand)

JOINT COUNTY DIRECTOR OF TAX
EQUALIZATION AND CITY ASSESSOR

AN ACT to amend and reenact section 11-10.1-07 of the North Dakota Century Code, to provide that counties and cities may employ a joint county director of tax equalization and city assessor.

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

SECTION 1. AMENDMENT.) Section 11-10.1-07 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10.1-07. JOINT COUNTY DIRECTOR OF TAX EQUALIZATION - COUNTY DIRECTORS MAY ALSO BE CITY ASSESSORS.) The respective boards of county commissioners of two or more counties may by agreement and resolutions of the respective boards of county commissioners employ a joint county director of tax equalization who shall act as county director of tax equalization for each of the counties participating in such agreement. The salary and expense of such joint county director of tax equalization and that of his office and staff shall be prorated among the counties participating in accordance with the assessed valuation of the counties concerned or upon such other basis as may be agreed upon by the respective boards of county commissioners. The respective boards of county commissioners, acting jointly, shall appoint such joint county director of tax equalization on the same basis and in the same manner as a county director of tax equalization may be appointed for a single county. Such joint county director of tax equalization may be discharged upon the resolution of the board of county commissioners of any county participating in the agreement. Any participating county may withdraw from such joint agreement upon resolution of the board of county commissioners and by giving written notice to the boards of county commissioners of the other participating counties at least ninety days in advance of July first of the year of withdrawal. The joint county director of tax equalization shall have all the powers and duties of the county director of tax equalization of a single county and shall keep all records of assessment for each county entirely separate from the records of other counties which he serves. The governing boards of a county and a city may by agreement and resolutions of the respective boards, employ a joint county director of tax equalization and city assessor.

Approved March 3, 1973

CHAPTER 89

HOUSE BILL NO. 1503
(Kretschmar)

MAINTENANCE OF PRIVATE ROADS
USED BY PUBLIC SCHOOL BUSES

AN ACT to create and enact a new subsection to section 11-11-14 of the North Dakota Century Code, relating to the power of the boards of county commissioners to authorize maintenance of private roads used by public school buses.

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

SECTION 1.) A new subsection of section 11-11-14 of the 1971 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To maintain, in its discretion, all public roads and private highways and roads that are being used as part of regularly scheduled public school bus routes;

Approved March 24, 1973

CHAPTER 90

HOUSE BILL NO. 1283
(Mertens, Hildebrand)

COUNTY AUDITORS' FEES

AN ACT to amend and reenact section 11-13-13 of the North Dakota Century Code, relating to the fees charged by county auditors, and providing an exemption for certificates of taxes furnished county registers of deeds.

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

SECTION 1. 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 patents 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.

Approved February 25, 1973

CHAPTER 91

HOUSE BILL NO. 1273
(Freborg)

SHERIFFS' FEES

AN ACT to amend and reenact section 11-15-07 of the North Dakota Century Code, relating to county fees.

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

SECTION 1. AMENDMENT.) Section 11-15-07 of the 1971 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, or other mesne process and making a return thereon, five dollars, and for service on each defendant besides the first, five dollars;
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 dollars;
6. For taking and filing a bond in claim and delivery or any other undertaking to be furnished and approved by the sheriff, five dollars;
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 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 dollars;
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 dollars;
21. For boarding prisoners, a sum to be determined by the county commissioners, by resolution in advance, which sum shall in no case exceed three dollars and fifty cents per day;
22. For issuing permit or license to carry pistol or revolver, one dollar.

Approved February 25, 1973

CHAPTER 92

SENATE BILL NO. 2296
(Stroup, Freed)

STATE'S ATTORNEYS' INQUIRIES

AN ACT to create and enact section 11-16-15 of the North Dakota Century Code, relating to the calling of a state's attorney's inquiry; and to repeal sections 11-19A-09 and 11-19A-17 of the North Dakota Century Code, relating to state's attorneys' inquiries in counties of over eight thousand population.

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

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

11-16-15. CRIMINAL ACT CAUSING DEATH - INQUIRY - STATE'S ATTORNEY MAY SUBPOENA WITNESSES.) If a state's attorney shall be notified by any officer or other persons, or be cognizant himself of any violation or criminal act causing a death, or in any manner connected therewith, he may inquire into the facts of such violation or criminal act, and for such purpose he shall issue his 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 case. 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; and
3. Compel the attendance of witnesses by attachment in the manner and with the effect provided in the title

Judicial Branch of Government. Any witness compelled to testify under the provisions of this section shall be entitled to counsel and all other constitutional rights.

* SECTION 2. REPEAL.) Sections 11-19A-09 and 11-19A-17 of the North Dakota Century Code are hereby repealed.

Approved March 3, 1973

*NOTE: Section 11-19A-17 was amended by section 1 of Senate Bill No. 2098, chapter 101.

CHAPTER 93

HOUSE BILL NO. 1212
(Atkinson, Stone, Haugland)

COURT FILING FEES

AN ACT to amend and reenact sections 11-17-04, 27-03-05, 27-07-40, and 27-08-14 of the North Dakota Century Code, relating to filing fees and other fees required by district courts, the North Dakota supreme court, county courts, and county courts of increased jurisdiction and increasing such fees.

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

SECTION 1. AMENDMENT.) Section 11-17-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-17-04. FEES TO BE CHARGED BY THE CLERK OF THE DISTRICT COURT.) The clerk of the district court shall charge and collect the following fees:

1. For the filing of an action, including an action transferred from another county, and for all things in connection therewith which are not hereinafter provided for, fifteen dollars;
2. For issuing an execution in an action, two dollars;
3. For filing an execution on return, one dollar;
4. For filing and indexing a mechanic's lien, two dollars;
5. For filing and indexing any paper authorized to be filed in his office but not connected with a civil action or proceeding, one dollar;
6. For making a certified abstract of a judgment or a certified copy of judgment, order, or other paper filed or recorded in his office, for the first four folios, one dollar, and for each additional folio, fifty cents;
7. For approving the bond of a notary public, one dollar;
8. For entering and indexing the commission of a notary public, one dollar;
9. For taking an acknowledgment or administering an oath, one dollar;

10. For recording and indexing any paper not filed in an action or proceeding, for the first four folios, one dollar, and for each additional folio, fifty cents;
11. For a certificate of official capacity of a notary public or other officer, one dollar;
12. For certifying an abstract of real property as to judgments and liens, for each person named in the abstract as to whom search is made, one dollar;
13. For issuing a commission to take depositions, two dollars;
14. For certifying the record on appeal to the supreme court or to the district court of any other county and transmitting the same, ten dollars;
15. For all services on remittitur from supreme court, five dollars;
16. For taking depositions, for each folio, one dollar;
17. For making a certified transcript of any judgment, two dollars;
18. For filing and docketing a transcript of a judgment from a justice's court or from any other county, two dollars;
19. For filing and entering an affidavit and other papers for the renewal of a judgment, two dollars;
20. For registering and filing a certificate of partnership, ten dollars;
21. For all services in adoption proceedings, five dollars; and
22. For all services in proceedings for deposit in court, five dollars.

SECTION 2. AMENDMENT.) Section 27-03-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-03-05. FEES TO BE CHARGED AND COLLECTED BY CLERK OF SUPREME COURT.) The clerk of the supreme court shall charge and collect in advance a fee of fifty dollars upon the filing in the supreme court of the record in any cause upon appeal, or upon the filing in such court of a petition in any cause seeking the exercise of the original jurisdiction thereof.

SECTION 3. AMENDMENT.) Section 27-07-40 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-07-40. FILING FEES FOR ESTATES AND GUARDIANSHIPS -

AMOUNT - WHEN AND WHERE TO BE PAID.) Before a petition for letters testamentary, of administration, of guardianship, of proceedings in heirship, or an application in joint tenancy to determine estate tax, is filed in a county court of this state, the petitioner, or someone on his behalf, shall pay a filing fee to said county court for deposit by that office into the county treasury of the county in which the court is located which shall be in the sum of fifteen dollars, except that the filing fee for applications in joint tenancy to determine estate tax shall be in the sum of ten dollars and such filing fee for applications in joint tenancy to determine estate tax shall not be subject to the provisions of section 27-07-41.

SECTION 4. AMENDMENT.) Section 27-08-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-08-14. FEES TO BE CHARGED BY THE CLERK OF COUNTY COURT WITH INCREASED JURISDICTION.) The clerk of a county court with increased jurisdiction, for his services in connection with actions instituted under the increased jurisdiction of such court, shall charge and collect the same fees as are prescribed in section 11-17-04, except that:

1. He shall require a deposit of ten dollars at the time of the filing of any civil action in the county court with increased jurisdiction and from time to time thereafter may require additional deposits to be made to cover his fees as they accumulate;
2. He shall collect for default judgments in civil actions, including all fees prior to execution, only the sum of five dollars; and
3. He shall collect for a certified abstract or transcript of any judgment in any civil action, only the sum of one dollar.

Upon his entry of judgment in any civil action, the clerk shall refund to the proper party the amount of all moneys deposited with him in excess of his legal fees accrued in said action.

Approved March 6, 1973

CHAPTER 94

HOUSE BILL NO. 1060
(Atkinson)

DESTRUCTION OF COURT RECORDS

AN ACT to amend and reenact section 11-17-08 of the North Dakota Century Code, relating to the destruction of certain court records by clerks of court, and providing an exception.

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

SECTION 1. AMENDMENT.) Section 11-17-08 of the 1971 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.) 1. The clerks of the district courts and of county courts having increased jurisdiction are hereby authorized to remove from the files in their offices, and to 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; or
 - (3) The action has been dismissed for more than twenty years.
2. The clerk of any court of record may destroy:
- a. Shorthand notes that are on file in his office when such shorthand notes have been transcribed into any public record that is on file in his office for more than ten years.
 - b. Shorthand notes which 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; or
- (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; or
- (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.

Approved March 3, 1973

CHAPTER 95

HOUSE BILL NO. 1284
(Mertens, Hildebrand)

DUTIES OF REGISTERS OF DEEDS

AN ACT to provide that county registers of deeds notify county auditors, or send copies to them, of deeds, plats, and vacations of plats, streets, or roads at the time of filing.

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

SECTION 1. DUTY OF REGISTER OF DEEDS TO NOTIFY COUNTY AUDITOR OF CERTAIN TRANSACTIONS - CORRECTION OF TAX ROLLS BY COUNTY AUDITOR.) The register of deeds shall notify the county auditor of the filing of deeds, patents, plats, and vacations of plats, streets, or roads at the time such documents are filed in his office. The county auditor shall correct the tax rolls and any other records in his office in order that his records will be current for the purpose of the preparation of real property assessment books.

Approved March 12, 1973

CHAPTER 96

HOUSE BILL NO. 1344
(Laughlin)

FEES OF REGISTERS OF DEEDS

AN ACT to amend and reenact subsection A of section 11-18-05 of the North Dakota Century Code, relating to fees charged by registers of deeds.

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

SECTION 1. AMENDMENT.) Subsection A of section 11-18-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- A. For recording an instrument affecting title to real estate:
1. Quitclaim deed, three dollars;
 2. Warranty deed, three dollars;
 3. County deed to purchaser, three dollars;
 4. Sheriff's deed, administrator's deed, executor's deed, trustee's deed, or other deed executed by a fiduciary, three dollars;
 5. Oil and gas royalty deed or mineral deed, three dollars;
 6. Oil and gas lease or mineral lease, six dollars;
 7. Release or assignment of mortgage describing one mortgage, two dollars, for each additional mortgage described therein, one dollar;
 8. Mortgage, three dollars;
 9. Release, assignment, or affidavit of oil and gas lease describing one oil and gas lease, two dollars, for each additional oil and gas lease described therein, one dollar;
 10. Power of attorney, two dollars;

11. Notice of lis pendens, one dollar and fifty cents, discharge of the same, two dollars;
12. Certificate from the register of United States land office, two dollars;
13. Patent issued by the United States or the state of North Dakota, three dollars;
14. Farm name, two dollars;
15. Cancellation of farm name, two dollars;
16. Certified copy of judgment, three dollars;
17. Declaration of homestead or statement of lien thereon, three dollars;
18. Certified copy of death certificate, three dollars;
19. If any such document contains more than one acknowledgment, a fee of twenty-five cents for each additional acknowledgment shall be charged;
20. For any other document, two dollars for the first four hundred words, and twenty-five cents for each additional folio;
21. If any of the above documents shall exceed five hundred words in length, an additional fee of twenty-five cents for each additional folio shall be charged;

Approved March 28, 1973

CHAPTER 97

HOUSE BILL NO. 1329
(Winkjer)

NOTARIES' SEALS

AN ACT to create and enact section 11-18-15 of the North Dakota Century Code, relating to the seal on notarized documents filed with a register of deeds, and to amend and reenact subsection 1 of section 44-06-04 of the North Dakota Century Code, relating to the filing of a notary's seal with the secretary of state.

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

SECTION 1.) Section 11-18-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

11-18-15. NOTARY SEAL ON DOCUMENTS FILED WITH REGISTER OF DEEDS - STAMP OR IMPRINT ALLOWED.) The notary seal on any document filed with a register of deeds may be in either a stamped or an imprinted form.

SECTION 2. AMENDMENT.) Subsection 1 of section 44-06-04 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Deposit a legible impression of such seal, together with his oath and bond, in the office of the secretary of state; and

Approved February 25, 1973

CHAPTER 98

SENATE BILL NO. 2036

(Rait, Pyle)

(From Legislative Council Study)

BURIED TRANSMISSION FACILITIES

AN ACT to provide for the filing of notices relating to buried transmission facilities and to give the owner thereof a civil cause of action in certain cases when these facilities are damaged, and providing an effective date.

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

SECTION 1. 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 except cities, 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 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.

SECTION 2. ESTABLISHMENT OF A COUNTY CARD FILE SYSTEM.) The register of deeds of each county where the facilities described in section 1 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 section, range, township, and, where applicable, by city.

SECTION 3. REQUEST OF EXACT LOCATION FROM OWNER OF FACILITIES - OWNER TO PROVIDE LOCATION INFORMATION.) When a notice provided for in section 1 has been filed in the office of the register of deeds, any person intending to conduct any digging, grading, leveling, excavating, blasting, or similar activities upon the lands described in the notice, at least three days, not counting Saturdays, Sundays, and legal holidays,

before the commencement of the activity, shall request the person owning or controlling the facilities to accurately locate them upon the land where they are situated. Within the three days, the owner or person controlling the facilities shall accurately locate them and provide this information to the person requesting it.

SECTION 4. INJURY OR DAMAGE TO THE FACILITY - CIVIL CAUSE OF ACTION.) When the notice required by section 1 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.

SECTION 5. CARD TO BE USED IN SUBMITTING INFORMATION TO COUNTY REGISTERS OF DEEDS.) The written notice of the location of buried transmission facilities required in this Act 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, section number, range number, and city name; a grid showing the thirty-six sections within that particular township, each section having a separate 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 or sections 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 6. EFFECTIVE DATE.) The provisions of this Act shall become effective on October 1, 1973.

Approved March 8, 1973

CHAPTER 99

SENATE BILL NO. 2243
(Reiten, Larson)

BURIAL OF DECEASED PERSONS

AN ACT to amend and reenact sections 11-19-18 and 23-06-03 of the North Dakota Century Code, relating to duty of burial of deceased persons and disposition of bodies by coroners.

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

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

11-19-18. DISPOSITION OF BODY.) The coroner shall cause the body of each deceased person which he is called to view to be delivered to the person or persons charged with the duty of burial in accordance with section 23-06-03.

SECTION 2. AMENDMENT.) Section 23-06-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-03. DUTY OF BURIAL.) The duty of burying the body of a deceased person devolves upon the following persons:

1. If the deceased was married, upon the surviving husband or wife.
2. If the deceased was not married but left kindred, upon the person or persons in the same degree, of adult age, nearest of kin to the deceased living within the state and possessed of sufficient means to defray the necessary expenses.
3. In case the person upon whom the duty of burial is cast by the foregoing provisions omits to make such burial within the time required by this chapter, upon the person next specified. If all omit to act, upon the tenant, or if there is no tenant, upon the owner of the premises in which the death occurs or the body is found.
4. If the deceased left no husband, wife, or kindred answering the foregoing description and did not leave means sufficiently to defray his funeral

expenses, including the cost of a casket, the county welfare board of the county in which the deceased had residence for poor relief purposes or if such residence cannot be established, then the county welfare board of the county in which the death occurs, shall employ some person to arrange for and supervise the burial. The cost of such burial shall be paid by the county welfare board, subject to the following:

- a. The sum of three hundred fifty dollars shall be allowed for personal property and burial services furnished by a funeral director or funeral home.
- b. The reasonable costs of transporting the body to the place of burial when burial is made in a cemetery out of the county in which death occurred, but not exceeding one hundred dollars.
- c. The cost of the grave box or vault, not to exceed the sum of eighty dollars, provided that a grave box or vault is required by the cemetery before a burial may be made.
- d. The cost of a grave space, not to exceed the sum of fifty dollars.
- e. Any grave opening and closing expenses, not to exceed the sum of fifty dollars.

Payment for services rendered or personal property furnished under subdivisions a, b, and c above shall be made to the funeral home or funeral director furnishing the same, while payment for a grave space, services rendered, or personal property furnished under subdivisions d and e above shall be made to the cemetery furnishing the same.

Approved March 15, 1973

CHAPTER 100

HOUSE BILL NO. 1082
(Peterson)

ELIGIBILITY FOR OFFICE
OF COUNTY CORONER

AN ACT to amend and reenact section 11-19A-04 of the North Dakota Century Code relating to eligibility for the office of county coroner.

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

SECTION 1. AMENDMENT.) Section 11-19A-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-19A-04. ELIGIBILITY FOR OFFICE.) No person shall be eligible for the office of county coroner except a physician who has been duly licensed to practice as such in this state, and who is in good standing in his profession.

Approved February 14, 1973

CHAPTER 101

SENATE BILL NO. 2098
(Committee on Political Subdivisions)
(At the request of the Secretary of State)

COUNTY CORONERS

AN ACT to amend and reenact section 11-19A-17 of the North Dakota Century Code, relating to a limitation on the application of chapter 11-19A and excepting 11-19A-03 from the limitation.

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

SECTION 1. AMENDMENT.) Section 11-19A-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

*11-19A-17. APPLICATION.) The provisions of this chapter shall apply to every county in this state having a population of eight thousand or more according to the last preceding official federal census, and the provisions of chapter 11-19 and section 11-10-02 shall not be applicable to such counties. The provisions of this chapter shall not apply to counties having a population of less than eight thousand according to the last preceding official federal census and such counties shall be governed by the provisions of chapter 11-19 and section 11-10-02, except that coroners shall be appointed in these counties according to section 11-19A-03.

Approved March 24, 1973

*NOTE: Section 11-19A-17 was repealed by section 2 of Senate Bill No. 2296, chapter 92.

CHAPTER 102

HOUSE BILL NO. 1208
(Tinjum)ALLOCATION OF FEDERAL
PAYMENTS WITHIN COUNTIES

AN ACT to amend and reenact section 11-27-09.1 of the North Dakota Century Code, as contained in section 6 of House Bill No. 1041 of the forty-third legislative assembly, relating to the allocation of federal payments for game and fish land among townships and school districts.

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

SECTION 1. AMENDMENT.) Section 11-27-09.1 of the North Dakota Century Code, as contained in House Bill No. 1041 approved by the forty-third legislative assembly, is hereby amended and reenacted to read as follows:

11-27-09.1. FEDERAL PAYMENTS FOR GAME AND FISH LANDS - ALLOCATION WITHIN COUNTY.) Payments made by the federal government under the provisions of Public Law 523 (88th U. S. Congress) [16 U.S.C. 715s] to any county in the state for lands taken by the federal government for game and fish management purposes shall be apportioned by that county's treasurer. Twenty-five percent thereof shall be apportioned among the townships in which the land taken is located in proportion to the number of acres taken in each township, and shall be earmarked for roads and deposited in the townships' special road fund. Such funds received by unorganized townships shall be deposited in a special road and bridge fund maintained by the county for that township. The remaining seventy-five percent shall be apportioned among the school districts in which the land taken is located in proportion to the number of acres taken.

Approved March 21, 1973

CHAPTER 103

SENATE BILL NO. 2414
(Lips)

PENALTIES FOR ZONING VIOLATIONS

AN ACT to create and enact section 11-33-21 of the North Dakota Century Code, relating to the general penalties for violation of zoning regulations and restrictions.

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

SECTION 1.) Section 11-33-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

11-33-21. GENERAL PENALTIES FOR VIOLATION OF ZONING REGULATIONS AND RESTRICTIONS.) A violation of any provision of this chapter or the regulations and restrictions made thereunder shall constitute the maintenance of a public nuisance and upon conviction there shall be a penalty of a fine of not more than two hundred dollars or imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

Approved March 8, 1973