

HOUSE BILL NO. 1275

Introduced by

Representatives DeKrey, Delmore, Koppelman

Senators W. Stenehjem, Traynor

1 A BILL for an Act to create and enact chapter 27-05.2 of the North Dakota Century Code,
2 relating to state funding of clerk of district court services; to amend and reenact sections
3 6-02-05, 11-08-06, 11-08-11, 11-08-14, 11-09.1-04, 11-10-02, 11-10-06, 11-10-10, 11-10-11,
4 11-19-03, 11-19-16, 11-19-17, 11-19.1-08, 11-20-02, 11-22-01, 11-22-02, 11-22-05, 11-26-01,
5 11-26-03, 11-26-04, 14-03-09, 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21,
6 14-03-22, and 14-03-24, subsection 3 of section 14-15-09, subsection 4 of section
7 20.1-13.1-08, subsections 4 and 5 of section 20.1-13.1-10, subsection 4 of section 20.1-15-08,
8 subsections 6 and 7 of section 20.1-15-11, sections 23-02.1-06, 23-21.1-02.1, 23-21.1-02.2,
9 and 26.1-02-19, subsection 1 of section 26.1-06.1-12, subsection 1 of section 26.1-06.1-17,
10 subsection 1 of section 26.1-06.1-24, subsection 3 of section 26.1-06.1-49, subsection 3 of
11 section 26.1-06.1-50, sections 27-01-01.1, 27-08.1-03, 28-20.1-05, 30.1-11-01, 32-37-05,
12 35-18-04, 35-21-05, 37-01-34, and 37-01-35, subsection 4 of section 39-06.2-10.6,
13 subsection 4 of section 39-20-05, subsections 6 and 7 of section 39-20-07, subsections 4 and 5
14 of section 39-24.1-08, subsection 1 of section 40-01.1-04, section 40-05.1-05, subsection 1 of
15 section 40-33.1-14, subsection 1 of section 40-61-16, sections 43-01-19, 43-23-16, 43-25-09,
16 43-49-09, 44-11-01, 46-04-05, 47-18-08, and 51-05.1-06, subsection 4 of section 54-40.4-05,
17 and sections 57-22-16 and 57-22-32 of the North Dakota Century Code, relating to filing fees,
18 filing requirements, and various functions performed by clerks of district court; to repeal
19 sections 11-17-01, 11-17-02, 11-17-03, 11-17-04, 11-17-05, 11-17-06, 11-17-07, 11-17-08,
20 11-17-09, 11-17-10, and 11-17-11 of the North Dakota Century Code, relating to duties,
21 responsibilities, and funding of clerks of district court; and to provide an effective date.

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

23 **SECTION 1. AMENDMENT.** Section 6-02-05 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **6-02-05. (Effective January 1, 2001) Acknowledgment of organization certificate -**
2 **Application for certificate of authority - Notice of hearing.** The organization certificate must
3 be acknowledged before ~~the clerk of some court of record~~ or a notary public, and, together with
4 the acknowledgment thereof, must be authenticated by the seal of ~~such court or~~ the notary.
5 The same thereupon must be transmitted to the state banking board with a request for
6 permission to present the same to the secretary of state, with application ~~to him~~ for the
7 issuance of a certificate of authority. Upon receiving such organization certificate, the board
8 shall cause notice of the application therefor to be published in the official newspaper of the
9 county within which such association is proposed to be established. Such notice must contain
10 a statement of a time when and place where the board will hear such application and must
11 specify that any person objecting thereto may appear and show cause why such application
12 should not be approved. Upon the consolidation of banks, acquisition pursuant to section
13 6-07-04.2, or the conversion of a national bank to a state bank, notice of such hearing need not
14 be given.

15 **SECTION 2. AMENDMENT.** Section 11-08-06 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **11-08-06. (Effective January 1, 2001) Officers in county adopting consolidated**
18 **office form of government.** In addition to the board of county commissioners provided for by
19 this title, the officers in a county which has adopted the county consolidated office form of
20 government are as follows:

- 21 1. One county auditor who shall be ex officio register of deeds and, unless the clerk
22 of district court serving the county is an employee of the state judicial system, ex
23 officio clerk of the district court.
- 24 2. One state's attorney.
- 25 3. One sheriff.
- 26 4. One county treasurer, unless the office with its attendant powers and duties is
27 combined with and conferred upon the county auditor by the board of county
28 commissioners but no added compensation may be paid the county auditor in said
29 capacity.
- 30 5. Repealed by S.L. 1989, ch. 137, § 10, effective January 1, 1993.
- 31 6. One coroner.

1 **SECTION 3. AMENDMENT.** Section 11-08-11 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **11-08-11. (Effective January 1, 2001) Powers and duties of county auditor.** The
4 county auditor, in addition to the duties and powers conferred by law on that officer, shall
5 perform the duties and functions and exercise the powers conferred on the register of deeds
6 and, subject to subsection 1 of section 11-08-06 the clerk of the district court. The auditor shall
7 be the chief administrative officer of the county. The board of county commissioners may
8 delegate to the county auditor such duties of an administrative or executive nature as are not
9 specifically conferred by law upon other officers. Such delegated duties shall be exercised by
10 the county auditor under the supervision of the board of county commissioners.

11 **SECTION 4. AMENDMENT.** Section 11-08-14 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **11-08-14. (Effective January 1, 2001) Deputies and employees - Appointment -**
14 **Compensation - Terms.** Subject to the approval of the board of county commissioners, the
15 county auditor may appoint a deputy auditor, a deputy register of deeds, and, subject to
16 subsection 1 of section 11-08-06, a deputy clerk of the district court. The compensation of any
17 such deputy appointed pursuant to this section shall be fixed by the board of county
18 commissioners. The same person may be appointed to serve as deputy in two or more offices.
19 Subject to the approval of the board of county commissioners, the county auditor may employ
20 such clerks, stenographers, and other county employees as may be required to perform the
21 duties of the several offices under the auditor's direction. The compensation of the employees
22 shall be fixed by the board of county commissioners. Any deputy or employee shall serve at
23 the pleasure of the county auditor and may be appointed or employed to serve on a part-time
24 basis.

25 **SECTION 5. AMENDMENT.** Section 11-09.1-04 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **11-09.1-04. (Effective January 1, 2001) Ratification by majority vote -**
28 **Supersession of existing charter and conflicting state laws - Filing of copies of new**
29 **charter.** If a majority of the qualified electors voting on the charter at the election vote in favor
30 of the home rule charter, it is ratified and becomes the organic law of the county on the first day
31 of January or July next following the election, and extends to all its county matters. The charter

1 and the ordinances made pursuant to the charter in county matters must be liberally construed
2 to supersede within the territorial limits and jurisdiction of the county any conflicting state law
3 except for any state law as it applies to cities or any power of a city to govern its own affairs,
4 without the consent of the governing body of the city. The charter may not authorize the
5 enactment of ordinances to diminish the authority of a board of supervisors of a township or to
6 change the structure of township government in any organized civil township, without the
7 consent of the board of supervisors of the township. No ordinance of a home rule county shall
8 supersede section 49-22-16. One copy of the charter as ratified and approved must be filed
9 with the secretary of state; one with the ~~clerk~~ register of district court deeds for the county,
10 unless the board of county commissioners designates a different official; and one with the
11 auditor of the county to remain as a part of its permanent records. Courts shall take judicial
12 notice of the charter.

13 **SECTION 6. AMENDMENT.** Section 11-10-02 of the 1997 Supplement to the North
14 Dakota Century Code is amended and reenacted as follows:

15 **SECTION 7. AMENDMENT.** Section 11-10-02 of the North Dakota Century Code as
16 amended in section 6 of this Act, as approved by the fifty-sixth legislative assembly, is amended
17 and reenacted as follows:

18 **11-10-02. (Effective January 1, 2003) Number and election of county officers.**

19 Each organized county, unless it has adopted one of the optional forms of county government
20 provided by the code or has combined or separated the functions of county offices or
21 redesignated offices as elective or appointive pursuant to chapter 11-10.2 or 11-10.3, must
22 have the following officers:

- 23 1. One county auditor.
- 24 2. One register of deeds.
- 25 3. ~~One clerk of the district court, except as otherwise provided by this section.~~
- 26 4. One state's attorney.
- 27 ~~5.~~ 4. One sheriff.
- 28 ~~6.~~ 5. One county treasurer.
- 29 ~~7.~~ 6. One coroner.
- 30 ~~8.~~ 7. A board of county commissioners consisting of three or five members as provided
31 in this title.

1 In counties having a population of six thousand or less, the register of deeds also serves as ex
2 officio clerk of the district court, ~~unless the board of county commissioners adopts a resolution~~
3 ~~separating the offices no less than thirty days before petitions for nomination to county offices~~
4 ~~may first be filed for the primary election. In a county having a population of more than six~~
5 ~~thousand, the offices of clerk of district court and register of deeds may be combined into an~~
6 ~~office of register of deeds if the board of county commissioners, following consultation with the~~
7 ~~supreme court, adopts a resolution combining the offices no less than thirty days before~~
8 ~~petitions for nominations to county offices may first be filed for the primary election. The~~
9 required officers must be chosen by the qualified electors of the respective counties at the
10 general election in each even-numbered year, except the register of deeds, county auditor,
11 treasurer, sheriff, and state's attorney, ~~and clerk of the district court~~, who must be chosen in
12 1966 and every four years thereafter, the members of the board of county commissioners, who
13 must be chosen in the manner prescribed in section 11-11-02, and the county coroner, who
14 must be chosen in the manner prescribed in section 11-19.1-03.

15 **SECTION 8. AMENDMENT.** Section 11-10-06 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **11-10-06. Bonds of county officers.** Before entering upon the duties of their
18 respective offices, the following county officers must be bonded for the faithful discharge of their
19 respective duties in the same manner as other civil officers are bonded and in the following
20 amounts:

- 21 1. The county auditor, clerk of the district court, register of deeds, and sheriff, fifteen
22 thousand dollars, except in counties having a population of less than ten thousand,
23 where the amount must be ten thousand dollars.
- 24 2. A county commissioner, two thousand dollars.
- 25 3. The county coroner, five hundred dollars.
- 26 4. The state's attorney, three thousand dollars.
- 27 5. The county surveyor, an amount, not to exceed two thousand dollars, as may be
28 determined by the board of county commissioners.
- 29 6. The public administrator, not less than ten thousand dollars.
- 30 7. The county treasurer, an amount fixed by the board of county commissioners of not
31 less than seventy-five thousand dollars, except in counties having a population of

1 less than ten thousand, an amount of not less than forty thousand dollars. When
2 the total amount of taxes to be collected by the county treasurer in any one year is
3 less than the minimum amount of bond specified in this subsection, the bond may
4 be in a sum equal to the amount of taxes to be collected.

5 8. Repealed by S.L. 1989, ch. 137, § 10, effective January 1, 1993.

6 When the amount of any bond required under this section is dependent upon the population of
7 a county, the population must be determined as provided in section 11-10-10. ~~The bond for the~~
8 ~~clerk of a district court which is state funded pursuant to section 11-17-11 must be set by the~~
9 ~~supreme court.~~

10 **SECTION 9. AMENDMENT.** Section 11-10-06 of the North Dakota Century Code as
11 amended in section 8 of this Act, as approved by the fifty-sixth legislative assembly, is amended
12 and reenacted as follows:

13 **11-10-06. (Effective January 1, 2003) Bonds of county officers.** Before entering
14 upon the duties of their respective offices, the following county officers must be bonded for the
15 faithful discharge of their respective duties in the same manner as other civil officers are
16 bonded and in the following amounts:

- 17 1. The county auditor, ~~clerk of the district court~~, register of deeds, and sheriff, fifteen
18 thousand dollars, except in counties having a population of less than ten thousand,
19 where the amount must be ten thousand dollars.
- 20 2. A county commissioner, two thousand dollars.
- 21 3. The county coroner, five hundred dollars.
- 22 4. The state's attorney, three thousand dollars.
- 23 5. The county surveyor, an amount, not to exceed two thousand dollars, as may be
24 determined by the board of county commissioners.
- 25 6. The public administrator, not less than ten thousand dollars.
- 26 7. The county treasurer, an amount fixed by the board of county commissioners of not
27 less than seventy-five thousand dollars, except in counties having a population of
28 less than ten thousand, an amount of not less than forty thousand dollars. When
29 the total amount of taxes to be collected by the county treasurer in any one year is
30 less than the minimum amount of bond specified in this subsection, the bond may
31 be in a sum equal to the amount of taxes to be collected.

1 8. Repealed by S.L. 1989, ch. 137, § 10, effective January 1, 1993.
2 When the amount of any bond required under this section is dependent upon the population of
3 a county, the population must be determined as provided in section 11-10-10.

4 **SECTION 10. AMENDMENT.** Section 11-10-10 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-10-10. Salaries of county officers.**

- 7 1. The salary of the county auditor, county treasurer, county superintendent of
8 schools, register of deeds, clerk of district court, and sheriff must be regulated by
9 the population in the respective counties according to the last preceding official
10 federal census from and after the date when the official report of such census has
11 been published by the director of the census or such other official as may be
12 charged with the duty of making such official publication. Notwithstanding any
13 decreases in population, the salaries paid county officers as of July 1, 1981,
14 reduced by any discretionary salary increase authorized by the county
15 commissioners pursuant to this section, must be at least the minimum amount
16 payable for that office when filled on a full-time basis in the future.
- 17 2. The county treasurer, county superintendent of schools, register of deeds, county
18 auditor, and clerk of district court each shall receive the following annual salary,
19 payable monthly, for official services rendered:
- 20 a. Seventeen thousand dollars in counties having a population of less than eight
21 thousand.
- 22 b. Seventeen thousand five hundred dollars in counties having a population of or
23 exceeding eight thousand plus additional compensation of one hundred
24 dollars per year for each one thousand additional population or major fraction
25 thereof over eight thousand. However, in counties where the population
26 consists of more than twenty-five percent Indians who have not severed tribal
27 relations, the county commissioners may adjust the salaries provided for
28 herein within the limitations contained in this subdivision.
- 29 ~~The compensation for the clerk of a district court which is funded by the state~~
30 ~~pursuant to section 11-17-11 must be set by the supreme court as a part of the~~
31 ~~judicial branch personnel system.~~

- 1 3. Repealed by S.L. 1975, ch. 87, § 2.
- 2 4. The county superintendent of schools is entitled to receive for any trips necessarily
3 made within the county in the performance of school district reorganization duties
4 the same mileage received under section 11-10-15. The board of county
5 commissioners of any county may, by resolution, increase the salary of any
6 full-time county official provided in this section, if, in the judgment of such board, by
7 reason of duties performed, the official merits the increase. The salary of a county
8 official may not be reduced during the official's term of office. Any county official
9 performing duties on less than a full-time basis may be paid a reduced salary set
10 by the board of county commissioners. In the event the county has for its
11 employees, a group insurance program for hospital benefits, medical benefits, or
12 life insurance, or a group retirement program, financed in part or entirely by the
13 county, such benefits may be in addition to the salaries payable to county officials.
- 14 5. Each county commissioner may receive an annual salary or per diem as provided
15 by resolution of the board, with a maximum of ten thousand dollars in counties with
16 a population in excess of ten thousand and a maximum of nine thousand three
17 hundred dollars in counties with a population of ten thousand or less. In addition,
18 there must be an allowance for meals and lodging expenses at the same rate and
19 under the same conditions as provided for state officials and employees. The
20 allowance for travel expenses must be at the same rate as provided by section
21 11-10-15, and must be evidenced by a subvoucher or receipt as provided by
22 section 21-05-01. As used in this section, the words "official business" include
23 statewide meetings of the North Dakota county commissioners association.
- 24 If a board shall resolve to pay an annual salary pursuant to this subsection, it
25 must be paid in monthly installments.
- 26 6. Sheriffs shall receive the following annual salary, payable monthly, for official
27 services rendered:
- 28 a. Nineteen thousand nine hundred dollars in counties having a population with
29 less than eight thousand.
- 30 b. Twenty thousand nine hundred dollars in counties having a population
31 exceeding eight thousand plus additional compensation of one hundred

1 dollars per year for each one thousand additional population or major fraction
2 thereof over eight thousand. However, in counties where the population
3 consists of more than twenty-five percent Indians who have not severed tribal
4 relations, the county commissioners may adjust the salaries provided for
5 herein within the limitations contained in this subdivision.

6 7. State's attorneys in counties having a population exceeding thirty-five thousand, or
7 in other counties where the board of county commissioners has determined by
8 resolution that the state's attorney shall be full time and shall not be an attorney or
9 counsel for any party except the state or county, shall receive forty-five thousand
10 dollars, but the county may increase that amount up to the same salary as a county
11 court judge. State's attorneys not considered full time shall receive an annual
12 salary of at least forty-five percent of the minimum salary paid to a full-time state's
13 attorney.

14 **SECTION 11. AMENDMENT.** Section 11-10-10 of the North Dakota Century Code as
15 amended in section 10 of this Act, as approved by the fifty-sixth legislative assembly, is
16 amended and reenacted as follows:

17 **11-10-10. (Effective January 1, 2003) Salaries of county officers.**

- 18 1. The salary of the county auditor, county treasurer, county superintendent of
19 schools, register of deeds, ~~clerk of district court~~, and sheriff must be regulated by
20 the population in the respective counties according to the last preceding official
21 federal census from and after the date when the official report of such census has
22 been published by the director of the census or such other official as may be
23 charged with the duty of making such official publication. Notwithstanding any
24 decreases in population, the salaries paid county officers as of July 1, 1981,
25 reduced by any discretionary salary increase authorized by the county
26 commissioners pursuant to this section, must be at least the minimum amount
27 payable for that office when filled on a full-time basis in the future.
- 28 2. The county treasurer, county superintendent of schools, register of deeds, county
29 auditor, ~~and clerk of district court~~ each shall receive the following annual salary,
30 payable monthly, for official services rendered:

- 1 a. Seventeen thousand dollars in counties having a population of less than eight
2 thousand.
- 3 b. Seventeen thousand five hundred dollars in counties having a population of or
4 exceeding eight thousand plus additional compensation of one hundred
5 dollars per year for each one thousand additional population or major fraction
6 thereof over eight thousand. However, in counties where the population
7 consists of more than twenty-five percent Indians who have not severed tribal
8 relations, the county commissioners may adjust the salaries provided for
9 herein within the limitations contained in this subdivision.
- 10 3. Repealed by S.L. 1975, ch. 87, § 2.
- 11 4. The county superintendent of schools is entitled to receive for any trips necessarily
12 made within the county in the performance of school district reorganization duties
13 the same mileage received under section 11-10-15. The board of county
14 commissioners of any county may, by resolution, increase the salary of any
15 full-time county official provided in this section, if, in the judgment of such board, by
16 reason of duties performed, the official merits the increase. The salary of a county
17 official may not be reduced during the official's term of office. Any county official
18 performing duties on less than a full-time basis may be paid a reduced salary set
19 by the board of county commissioners. In the event the county has for its
20 employees, a group insurance program for hospital benefits, medical benefits, or
21 life insurance, or a group retirement program, financed in part or entirely by the
22 county, such benefits may be in addition to the salaries payable to county officials.
- 23 5. Each county commissioner may receive an annual salary or per diem as provided
24 by resolution of the board, with a maximum of ten thousand dollars in counties with
25 a population in excess of ten thousand and a maximum of nine thousand three
26 hundred dollars in counties with a population of ten thousand or less. In addition,
27 there must be an allowance for meals and lodging expenses at the same rate and
28 under the same conditions as provided for state officials and employees. The
29 allowance for travel expenses must be at the same rate as provided by section
30 11-10-15, and must be evidenced by a subvoucher or receipt as provided by

1 section 21-05-01. As used in this section, the words "official business" include
2 statewide meetings of the North Dakota county commissioners association.

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

5 6. Sheriffs shall receive the following annual salary, payable monthly, for official
6 services rendered:

7 a. Nineteen thousand nine hundred dollars in counties having a population with
8 less than eight thousand.

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

16 7. State's attorneys in counties having a population exceeding thirty-five thousand, or
17 in other counties where the board of county commissioners has determined by
18 resolution that the state's attorney shall be full time and shall not be an attorney or
19 counsel for any party except the state or county, shall receive forty-five thousand
20 dollars, but the county may increase that amount up to the same salary as a county
21 court judge. State's attorneys not considered full time shall receive an annual
22 salary of at least forty-five percent of the minimum salary paid to a full-time state's
23 attorney.

24 **SECTION 12. AMENDMENT.** Section 11-10-11 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **11-10-11. Appointment and salary of deputies and clerks.** The salaries of deputies,
27 clerks, and assistants for the county auditor, county treasurer, sheriff, register of deeds, clerk of
28 the district court, and state's attorney must be fixed by a resolution of the board of county
29 commissioners. Each of the named officers may appoint such deputies, clerks, and assistants,
30 in accordance with the budget, except none of the officers mentioned in this section may
31 appoint as deputy any other officer mentioned in this section. ~~The number and compensation~~

1 ~~of deputies, clerks, and assistants for a clerk of district court which is funded by the state~~
2 ~~pursuant to section 11-17-11 must be set by the supreme court.~~

3 **SECTION 13. AMENDMENT.** Section 11-10-11 of the North Dakota Century Code as
4 amended in section 12 of this Act, as approved by the fifty-sixth legislative assembly, is
5 amended and reenacted as follows:

6 **11-10-11. (Effective January 1, 2003) Appointment and salary of deputies and**
7 **clerks.** The salaries of deputies, clerks, and assistants for the county auditor, county treasurer,
8 sheriff, register of deeds, ex officio clerk of the district court, and state's attorney must be fixed
9 by a resolution of the board of county commissioners. Each of the named officers may appoint
10 such deputies, clerks, and assistants, in accordance with the budget, except none of the
11 officers mentioned in this section may appoint as deputy any other officer mentioned in this
12 section.

13 **SECTION 14. AMENDMENT.** Section 11-19-03 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **11-19-03. (Effective January 1, 2001) If inquest not held - Certificate filed.** If the
16 coroner does not deem it necessary to hold an inquest in a case brought to the coroner's
17 attention, the coroner shall file a certificate setting forth all the facts in relation to the case with
18 ~~the clerk~~ register of the district court deeds of the county within which the dead body is found ~~a~~
19 ~~certificate setting forth all the facts in relation to the case, unless the board of county~~
20 commissioners designates a different official.

21 **SECTION 15. AMENDMENT.** Section 11-19-16 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **11-19-16. (Effective January 1, 2001) Testimony at coroner's inquest to be**
24 **reduced to writing - Records, where filed.** The testimony of all witnesses examined before
25 the coroner's jury shall be reduced to writing by the coroner or under the coroner's direction,
26 and shall be subscribed by the witnesses, respectively. The coroner shall file the testimony,
27 together with a record of all proceedings had before the coroner, in the office of the ~~clerk~~
28 register of the district court deeds of the county within which the inquest was held, unless the
29 board of county commissioners designates a different official.

30 **SECTION 16. AMENDMENT.** Section 11-19-17 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **11-19-17. (Effective January 1, 2001) Clerk of district court to file Filing of coroner**
2 **proceedings of coroner.** The clerk register of the district court deeds, unless the board of
3 county commissioners designates a different official, shall file, index, and enter in a book kept
4 for that purpose, the proceedings of the coroner ~~in the same manner as proceedings in civil~~
5 ~~actions are entered.~~

6 **SECTION 17. AMENDMENT.** Section 11-19.1-08 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **11-19.1-08. (Effective January 1, 2001) Records of coroner's office.** It is the duty of
9 the coroner to keep a full and complete record and to fill in the cause of death upon the death
10 certificate in all cases coming under the coroner's jurisdiction. All records must be kept in the
11 office of the coroner, if the coroner maintains an office as coroner, and if the coroner maintains
12 no separate office, then in the office of the clerk register of the district court deeds of the
13 county, unless the board of county commissioners designates a different official, and must be
14 properly indexed, stating the name, if known, of every deceased person, the place where the
15 body was found, date of death, cause of death, and all other available information required by
16 this chapter. The report of the coroner and the detailed findings of the autopsy, if one was
17 performed, must be attached to the report of every case. The coroner shall promptly deliver or
18 cause to be delivered to the state's attorney of the county in which a death occurred copies of
19 all necessary records relating to every death in which the coroner or state's attorney determines
20 further investigation advisable. The sheriff of the county, the police of the city, or the state
21 highway patrolmen on duty in that county in which the death occurred may be requested to
22 furnish more information or make further investigation by the coroner or the coroner's deputy.
23 The state's attorney may obtain from the office of the coroner copies of records and other
24 information necessary for further investigation. All records of the coroner shall become and
25 remain the property of the county and are public records.

26 **SECTION 18. AMENDMENT.** Section 11-20-02 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **11-20-02. (Effective January 1, 2001) Deputies - Appointment - Removal.** The
29 county surveyor may appoint one or more deputies and may revoke any such appointment at
30 pleasure. An appointment or revocation shall be in writing, signed by the surveyor, and filed
31 with the clerk register of the district court deeds, unless the board of county commissioners

1 designates a different official. Each deputy shall take the constitutional oath of office and may
2 perform any duties imposed by law upon the county surveyor. The surveyor and the surveyor's
3 sureties shall be responsible for the faithful performance of the duties of the surveyor's office by
4 any deputy.

5 **SECTION 19. AMENDMENT.** Section 11-22-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-22-01. (Effective January 1, 2001) Sheriff, clerk of court, public administrator**
8 **may deposit funds entrusted to them with county treasurer.** Any and all funds, other than
9 fees and taxes, received by any sheriff, clerk of the district court who is not an employee of the
10 state judicial system, or public administrator by virtue of the office may be paid over and
11 delivered to the treasurer of the county. Upon the delivery of the money to the treasurer, the
12 officer depositing the same shall be absolved from all liability for the safekeeping of the funds.

13 **SECTION 20. AMENDMENT.** Section 11-22-01 of the North Dakota Century Code as
14 amended in section 19 of this Act, as approved by the fifty-sixth legislative assembly, is
15 amended and reenacted as follows:

16 **11-22-01. (Effective January 1, ~~2001~~ 2003) Sheriff, clerk of court, public**
17 **administrator may deposit funds entrusted to them with county treasurer.** Any and all
18 funds, other than fees and taxes, received by any sheriff, ex officio clerk of the district court
19 ~~who is not an employee of the state judicial system~~, or public administrator by virtue of the
20 office may be paid over and delivered to the treasurer of the county. Upon the delivery of the
21 money to the treasurer, the officer depositing the same shall be absolved from all liability for the
22 safekeeping of the funds.

23 **SECTION 21. AMENDMENT.** Section 11-22-02 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **11-22-02. (Effective January 1, 2001) Treasurer's receipt - Special funds provided**
26 **for deposits.** The county treasurer shall deliver a receipt to the ~~sheriff, clerk of the district~~
27 ~~court, or public administrator~~ officer making a deposit under the provisions of this chapter and
28 shall deliver a copy of each such receipt to the county auditor immediately. The treasurer shall
29 place the sum deposited in a special fund provided for that purpose or in a separate special
30 fund maintained for each county officer making such deposits. The treasurer shall be vested

1 with the same rights, duties, and liabilities with respect to deposits made under this chapter as
2 with respect to public funds in the treasurer's hands as county treasurer.

3 **SECTION 22. AMENDMENT.** Section 11-22-05 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **11-22-05. (Effective January 1, 2001) Neglect of duty - Liability.** If ~~the sheriff, clerk~~
6 ~~of the district court, or public administrator~~ an officer identified in section 11-22-01 fails to
7 deposit with the county treasurer money which the officer receives by virtue of the office or
8 makes or delivers, or causes to be made or delivered, any order for the withdrawal of the
9 deposit except to the person, firm, corporation, or limited liability company entitled to receive the
10 same, that officer shall be liable upon that officer's bond to any person suffering loss thereby.

11 **SECTION 23. AMENDMENT.** Section 11-26-01 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **11-26-01. (Effective January 1, 2001) Debt adjustment board - Members -**
14 **Appointment - Oath.** The judges of the district courts of the several judicial districts of the
15 state shall appoint, by joint action of the judges within each judicial district, a debt adjustment
16 board for each county within the district. The board shall consist of not less than three nor more
17 than seven members who shall serve at the pleasure of the district judges of the district within
18 which the county is located, and who, before entering upon the duties of their office, shall take
19 and file with the ~~clerk~~ register of the district court deeds, unless the board of county
20 commissioners designates a different official, the oath of office prescribed for civil officers.

21 **SECTION 24. AMENDMENT.** Section 11-26-03 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **11-26-03. (Effective January 1, 2001) ~~Clerk of court to act as secretary~~ Secretary**
24 **of board.** The ~~clerk~~ register of the district court, personally or by a deputy designated by the
25 clerk deeds, unless the board of county commissioners designates a different official, shall act
26 as secretary of the debt adjustment board. The expenses incurred by the ~~clerk~~ register of
27 deeds, or designated official, in sending out notices and performing other acts prescribed by
28 this chapter shall be defrayed out of funds available for payment of expenses in official
29 business ~~carried on as clerk of the district court~~.

30 **SECTION 25. AMENDMENT.** Section 11-26-04 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **11-26-04. (Effective January 1, 2001) Meetings of board, when held - Fees.**

2 Whenever a debtor or creditor calls for assistance upon the debt adjustment board of the
3 county within which the debtor resides and pays to the ~~clerk~~ register of the district court deeds,
4 unless the board of county commissioners designates a different official, a filing fee as
5 ~~prescribed in subdivision d of subsection 1 of section 11-17-04~~ of ten dollars, such clerk the
6 register of deeds, or designated official, shall call a meeting of the debtor and the debtor's
7 creditors with the board at the earliest possible date. The ~~clerk~~ register of deeds, or designated
8 official, shall notify the members of the board and the debtor and creditors of the time and place
9 of such meeting. If a debtor requesting a meeting makes and files an affidavit stating that the
10 debtor is financially unable to pay the fee provided for in this section, the payment thereof shall
11 be waived.

12 **SECTION 26. AMENDMENT.** Section 14-03-09 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **14-03-09. (Effective January 1, 2001) Who may solemnize marriages.** Marriages
15 may be solemnized by all judges of courts of record; [;] municipal judges; ~~clerks;~~ registers of
16 ~~district court,~~ deeds, unless the board of county commissioners designates a different official;
17 ordained ministers of the gospel; [;] priests; ~~and;~~ [;] clergy licensed by recognized denominations
18 pursuant to chapter 10-33; [;] and by any person authorized by the rituals and practices of any
19 religious persuasion.

20 **SECTION 27. AMENDMENT.** Section 14-03-10 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **14-03-10. (Effective January 1, 2001) Marriage may not be solemnized without**
23 **license.** A person may not solemnize any marriage until the parties to the marriage produce a
24 license regularly issued not more than sixty days before the date of the marriage by:

- 25 1. A ~~clerk~~ register of district court deeds serving the county in which either of the
26 contracting parties resides or is temporarily domiciled, unless the board of county
27 commissioners designates a different official;
- 28 2. A ~~clerk~~ register of district court deeds serving the county in which a parent of either
29 of the parties resides or is temporarily domiciled, unless the board of county
30 commissioners designates a different official; or

1 3. A ~~clerk register of district court deeds~~ serving the county in which the marriage is
2 to be solemnized, unless the board of county commissioners designates a different
3 official.

4 For the purpose of obtaining a marriage license, a member of the armed forces of the United
5 States stationed within the state of North Dakota is deemed to reside in the county in which that
6 person is stationed.

7 **SECTION 28. AMENDMENT.** Section 14-03-11 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **14-03-11. (Effective January 1, 2001) Who issues marriage license to ~~clerk of~~**
10 **~~district court official~~.** When a ~~clerk of district court~~ an official authorized to issue a marriage
11 license desires to have a license for the ~~clerk's official's~~ own marriage issued in the county of
12 the ~~clerk's official's~~ residence, the ~~clerk official~~ may request another ~~clerk of district court~~
13 authorized official to act in the ~~clerk's official's~~ stead upon the application for the license. The
14 other ~~clerk of district court official~~ has the power and authority to issue the license in the county
15 of the residence of the ~~clerk official~~ seeking the license. The request must be in writing and
16 must be filed, with the application and other related papers, and must be recorded in the
17 marriage record. Upon the return of the license, the ~~clerk of district court official~~ serving the
18 county in which it was issued may record it and note the record thereon notwithstanding the
19 ~~clerk official~~ is one of the contracting parties named in the license.

20 **SECTION 29. AMENDMENT.** Section 14-03-17 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **14-03-17. (Effective January 1, 2001) Application for license.**

23 1. When application is made to a ~~clerk register of district court deeds~~, unless the
24 board of county commissioners designates a different official, for a marriage
25 license, the ~~clerk register of deeds, or designated official~~, shall inquire of the
26 applicant ~~upon oath~~ concerning the legality of the contemplated marriage. The
27 ~~clerk register of deeds, or designated official~~, may examine other witnesses ~~upon~~
28 ~~oath~~. The facts concerning the legality of the marriage may be submitted to the
29 ~~clerk register of deeds, or designated official~~, by affidavit. The ~~clerk register of~~
30 deeds, or designated official, also shall require each applicant to submit the

- 1 following facts upon blanks provided by the county, together with documentary
2 evidence of age:
- 3 a. An affidavit by each of the applicants showing that each is over the age of
4 eighteen years. In addition, each applicant shall exhibit to the ~~clerk~~ register of
5 deeds, or designated official, a birth certificate or other satisfactory evidence
6 of age. If either applicant is under the age of eighteen years, the ~~clerk~~
7 register of deeds, or designated official, shall require the written consent
8 ~~under oath~~ of:
- 9 (1) Either parent of the minor applicant, if the parents are living together;
10 (2) The parent having the legal custody of the minor applicant, if the
11 parents are not living together;
12 (3) The surviving parent, if one of the parents of the minor applicant is
13 deceased; or
14 (4) The guardian, or person under whose care and government the minor
15 applicant is, if both parents of the minor applicant are deceased, or if a
16 person other than a parent has legal and actual custody of the minor
17 applicant.
- 18 b. An affidavit showing whether either or both of the parties have been divorced.
19 If a decree of divorce has been granted to either or both of the parties, a
20 certified copy of the decree must be filed with the application. A license shall
21 not be issued if it contravenes any provisions of the divorce decree.
- 22 2. All affidavits must be subscribed and sworn to before a person authorized to
23 administer oaths. The ~~clerk~~ register of deeds, or designated official, shall retain on
24 file ~~in the clerk's office~~ all papers and records pertaining to all marriage licenses.
25 Anyone knowingly swearing falsely to the statements contained in any affidavit
26 mentioned in this section is subject to the penalty provided in section 14-03-28.
- 27 3. Each application for a marriage license must also contain a statement regarding
28 surname options which is consistent with section 14-03-20.1.
- 29 4. Each application for a marriage license must contain the social security number of
30 each applicant.

1 on the _____ day of _____, 19 _____.

2 In the presence of

3 _____) _____

4 _____) _____

5 Witnesses

6 Every marriage license must contain the full name of each party before the marriage. Every
7 certificate of marriage must contain the full name of each party before and after the marriage
8 and be signed by two witnesses to the marriage in addition to the signature of the person who
9 solemnized the marriage.

10 **SECTION 32. AMENDMENT.** Section 14-03-21 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **14-03-21. License (Effective January 1, 2001) Return of license and certificate**
13 **returned to clerk of district court - Duplicate delivered to persons married - Records kept**
14 **- Penalty.** When a person authorized by law solemnizes a marriage, that person shall fill out
15 and sign the certificate following the license in duplicate, giving the person's official title, or if a
16 minister of the gospel or priest, the ecclesiastical body with which the minister or priest is
17 connected. The original copy of the certificate and license must be returned to the ~~clerk of~~
18 ~~district court~~ official who issued the license within five days after the date of the solemnization
19 of the marriage and the duplicate copy must be immediately delivered to the persons married.
20 The ~~clerk~~ official shall file the original copy ~~in the clerk's office~~ and retain it as ~~part of the clerk's~~
21 ~~records~~ an official record. Any person who willfully neglects to make such return within the time
22 required is subject to the penalty provided in section 14-03-28.

23 **SECTION 33. AMENDMENT.** Section 14-03-22 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **14-03-22. (Effective January 1, 2001) Marriage license fee - Supplemental fee -**
26 **Fee for marriage ceremony - Duties of officers.** For the issuance and filing of a marriage
27 license, the ~~clerk~~ register of district court deeds, unless the board of county commissioners
28 designates a different official, shall collect the sum of six dollars from the party applying for the
29 license. The ~~clerk~~ register of deeds, or designated official, shall also collect from the applicant
30 a supplemental fee of twenty-nine dollars for aid to victims of domestic violence through the
31 domestic violence prevention fund in accordance with chapter 14-07.1. For performing a

1 marriage ceremony during regular courthouse hours, the ~~clerk~~ register of deeds, or designated
2 official, shall collect a fee of thirty dollars which is to be retained by the county. If the marriage
3 ceremony is performed ~~by the clerk~~ at a time other than during regular courthouse hours, the
4 ~~clerk~~ register of deeds, or designated official, may collect and retain a fee in an amount to be
5 determined by the ~~clerk~~ register of deeds, or designated official. Except as provided in this
6 section, all collected fees must be deposited monthly with the county treasurer. The county
7 treasurer shall forward the amount represented by supplemental fees to the state treasurer by
8 the fifteenth of each month for crediting to the domestic violence prevention fund. The ~~clerk~~
9 register of deeds, or designated official, shall prepare a copy of the license and certificate and
10 transmit them to the registrar of vital statistics who shall record them in a book of records kept
11 in the registrar's office for that purpose. The registrar shall index the records and upon request
12 shall issue certified copies of the recorded license and certificate for a one dollar fee. The
13 registrar shall keep an accurate account of these fees and shall turn them over to the state
14 treasurer by the fifteenth of each month for crediting to the general fund.

15 **SECTION 34. AMENDMENT.** Section 14-03-24 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **14-03-24. (Effective January 1, 2001) Certified record is evidence.** The books of
18 record of marriage licenses issued and certificates returned which are kept by a ~~clerk~~ register of
19 ~~district court~~ deeds, unless the board of county commissioners designates a different official,
20 serving any county, or certified copies of such entries ~~certified by the clerk under the clerk's~~
21 ~~seal~~, and certified copies of the records of the registrar of vital statistics, must be received as
22 evidence in all courts, and are prima facie evidence in all courts and places of the facts stated
23 therein.

24 **SECTION 35. AMENDMENT.** Subsection 3 of section 14-15-09 of the North Dakota
25 Century Code is amended and reenacted as follows:

26 3. Any person filing a petition shall pay to the clerk of court a filing fee as prescribed
27 in subsection 1 of section ~~44-17-04~~ 27-05.2-03.

28 **SECTION 36. AMENDMENT.** Subsection 4 of section 20.1-13.1-08 of the 1997
29 Supplement to the North Dakota Century Code is amended and reenacted as follows:

30 4. At a hearing under this section, the regularly kept records of the director may be
31 introduced. Those records establish prima facie their contents without further

1 foundation. For purposes of this chapter, the following are deemed regularly kept
2 records of the director: any copy of a certified copy of an analytical report of a
3 blood, urine, or saliva sample received by the director from the state toxicologist or
4 a game warden or a law enforcement officer, a certified copy of the checklist and
5 test records received by the director from a certified breath test operator, and any
6 copy of a certified copy of a certificate of the state toxicologist relating to approved
7 methods, devices, operators, materials, and checklists used for testing for alcohol,
8 other drug, or a combination thereof concentration received by the director from the
9 state toxicologist, ~~or the clerk register of district court deeds,~~ are regularly kept
10 records of the director unless the board of county commissioners has designated a
11 different official to maintain the certificate.

12 **SECTION 37. AMENDMENT.** Subsections 4 and 5 of section 20.1-13.1-10 of the 1997
13 Supplement to the North Dakota Century Code are amended and reenacted as follows:

- 14 4. The state toxicologist may appoint, train, certify, and supervise field inspectors of
15 breath testing equipment and its operation, and the inspectors shall report the
16 findings of any inspection to the state toxicologist for appropriate action. Upon
17 approval of the methods or devices, or both, required to perform the tests and the
18 persons qualified to administer them, the state toxicologist shall prepare and file
19 written record of the approval with the director and the ~~clerk register of the district~~
20 ~~court deeds~~ in each county, unless the board of county commissioners designates
21 a different official, and shall include in the record:
- 22 a. An annual register of the specific testing devices currently approved, including
23 serial number, location, and the date and results of last inspection.
 - 24 b. An annual register of currently qualified and certified operators of the devices,
25 stating the date of certification and its expiration.
 - 26 c. The operational checklist and forms prescribing the methods currently
27 approved by the state toxicologist in using the devices during the
28 administration of the tests.

29 The material filed under this section may be supplemented when the state
30 toxicologist determines it to be necessary, and any supplemental material has the
31 same force and effect as the material that it supplements.

1 5. Copies of the records referred to in subsections 3 and 4, certified by the ~~clerk~~
2 register of the district court deeds, or designated official, must be admitted as
3 prima facie evidence of the matters stated in the records.

4 **SECTION 38. AMENDMENT.** Subsection 4 of section 20.1-15-08 of the 1997
5 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6 4. At a hearing under this section, the regularly kept records of the director may be
7 introduced. Those records establish prima facie their contents without further
8 foundation. For purposes of this chapter, the following are deemed regularly kept
9 records of the director: any copy of a certified copy of an analytical report of a
10 blood, urine, or saliva sample received by the director from the state toxicologist or
11 a game warden or a law enforcement officer, a certified copy of the checklist and
12 test records received by the director from a certified breath test operator, and any
13 copy of a certified copy of a certificate of the state toxicologist relating to approved
14 methods, devices, operators, materials, and checklists used for testing for alcohol,
15 other drug, or a combination thereof concentration received by the director from the
16 state toxicologist, ~~or the clerk register of district court deeds, are regularly kept~~
17 ~~records of the director~~ unless the board of county commissioners has designated a
18 different official to maintain the certificate.

19 **SECTION 39. AMENDMENT.** Subsections 6 and 7 of section 20.1-15-11 of the 1997
20 Supplement to the North Dakota Century Code are amended and reenacted as follows:

21 6. The state toxicologist may appoint, train, certify, and supervise field inspectors of
22 breath testing equipment and its operation, and the inspectors shall report the
23 findings of any inspection to the state toxicologist for appropriate action. Upon
24 approval of the methods or devices, or both, required to perform the tests and the
25 persons qualified to administer them, the state toxicologist shall prepare and file
26 written record of the approval with the director and the ~~clerk register of the district~~
27 ~~court deeds~~ in each county, unless the board of county commissioners designates
28 a different official, and shall include in the record:
29 a. An annual register of the specific testing devices currently approved, including
30 serial number, location, and the date and results of last inspection.

- 1 b. An annual register of currently qualified and certified operators of the devices,
2 stating the date of certification and its expiration.
- 3 c. The operational checklist and forms prescribing the methods currently
4 approved by the state toxicologist in using the devices during the
5 administration of the tests.

6 The material filed under this section may be supplemented when the state
7 toxicologist determines it to be necessary, and any supplemental material has the
8 same force and effect as the material that it supplements.

- 9 7. Copies of the records referred to in subsections 5 and 6, certified by the ~~clerk~~
10 register of the district court deeds, or designated official, must be admitted as
11 prima facie evidence of the matters stated in the records.

12 **SECTION 40. AMENDMENT.** Section 23-02.1-06 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **23-02.1-06. (Effective January 1, 2001) Registration districts.** Each county of this
15 state constitutes a registration district for purposes of this chapter, and the ~~clerk~~ register of
16 ~~each district court in this state~~ deeds, unless the board of county commissioners designates a
17 different official, is hereby designated as a local registrar. The local registrar may appoint one
18 or more deputy local registrars for each registration district.

19 **SECTION 41. AMENDMENT.** Section 23-21.1-02.1 of the 1997 Supplement to the
20 North Dakota Century Code is amended and reenacted as follows:

21 **23-21.1-02.1. (Effective January 1, 2001) License to operate a perpetual care**
22 **cemetery - Fee.** No organization may operate as a perpetual care cemetery unless licensed
23 on forms provided by the state department of health and consolidated laboratories by the ~~clerk~~
24 register of court deeds of the county within which the cemetery is located ~~on forms provided by~~
25 ~~the state department of health~~, unless the board of county commissioners designates a
26 different official. The license must be renewed by or before July first of each year. Prior to
27 issuance or renewal of a license, the ~~county clerk~~ register of court deeds, or designated official,
28 shall determine if the applicant is in full compliance with the provisions of this chapter. When
29 applying for a license renewal, the applicant shall report to the ~~county clerk~~ register of court
30 deeds, or designated official, the number of spaces sold, the gross amount of receipts from the
31 sale of spaces, and the amount of money transferred to the perpetual care trust fund during the

1 organization's previous fiscal year. The license fee must be five dollars per year, except that
2 any perpetual care cemetery which has sold less than ten spaces during the previous fiscal
3 year may not be required to pay a license fee.

4 **SECTION 42. AMENDMENT.** Section 23-21.1-02.2 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **23-21.1-02.2. ~~When county clerk of court shall revoke or refuse to renew~~ (Effective**
7 **January 1, 2001) Revocation or nonrenewal of license to operate a perpetual care**
8 **cemetery.** The ~~county clerk~~ register of court deeds, or designated official, shall revoke or
9 refuse to renew a license to operate a perpetual care cemetery if such organization fails to
10 comply with the provisions of this chapter. When the ~~county clerk~~ register of court deeds, or
11 designated official, revokes or refuses to renew a license to operate a perpetual care cemetery,
12 ~~he shall publish a notice of such the action must be published~~ in the official county newspaper
13 of the county wherein the cemetery is located. When an organization's license to operate a
14 perpetual care cemetery is not current or has been revoked, the organization shall cease to
15 make sales or transfers of burial spaces.

16 **SECTION 43. AMENDMENT.** Section 26.1-02-19 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **26.1-02-19. (Effective January 1, 2001) Fees.** Any person filing a foreign decree shall
19 pay a filing fee as prescribed in subdivision d of subsection 1 of section ~~44-17-04~~ 27-05.2-03 to
20 the clerk of court. Fees for docketing, transcriptions, or other enforcement proceedings are as
21 provided for decrees of the district court.

22 **SECTION 44. AMENDMENT.** Subsection 1 of section 26.1-06.1-12 of the North
23 Dakota Century Code is amended and reenacted as follows:

24 1. An order to rehabilitate the business of a domestic insurer, or an alien insurer
25 domiciled in this state, shall appoint the commissioner and successor
26 commissioners in office the rehabilitator, and shall direct the rehabilitator forthwith
27 to take possession of the assets of the insurer, and to administer them under the
28 general supervision of the court. The filing or recording of the order with the ~~clerk~~
29 of the district court or register of deeds, unless the board of county commissioners
30 designates a different official, of the county in which the principal business of the
31 company is conducted, or the county in which its principal office or place of

1 business is located, imparts the same notice as a deed, bill of sale, or other
2 evidence of title duly filed or recorded with that register of deeds, or designated
3 official. The order to rehabilitate the insurer shall by operation of law vest title to all
4 assets of the insurer in the rehabilitator.

5 **SECTION 45. AMENDMENT.** Subsection 1 of section 26.1-06.1-17 of the North
6 Dakota Century Code is amended and reenacted as follows:

7 1. An order to liquidate the business of a domestic insurer must appoint the
8 commissioner and successor commissioners in office as liquidator and must direct
9 the liquidator forthwith to take possession of the assets of the insurer and to
10 administer them under the general supervision of the court. The liquidator must be
11 vested by operation of law with the title to all of the property, contracts, and rights
12 of action, and all of the books and records of the insurer, wherever located, as of
13 the entry of the final order of liquidation. The filing or recording of the order with
14 the ~~clerk of the district court and the~~ register of deeds, unless the board of county
15 commissioners designates a different official, of the county in which its principal
16 office or place of business is located or, in the case of real estate, with the register
17 of deeds of the county where the property is located, imparts the same notice as a
18 deed, bill of sale, or other evidence of title duly filed or recorded with that register of
19 deeds, or designated official.

20 **SECTION 46. AMENDMENT.** Subsection 1 of section 26.1-06.1-24 of the North
21 Dakota Century Code is amended and reenacted as follows:

22 1. As soon as practicable after the liquidation order, but not later than one hundred
23 twenty days thereafter, unless extended by order of the court, the liquidator shall
24 prepare in duplicate a list of the insurer's assets. The list must be amended or
25 supplemented from time to time as the liquidator may determine. One copy must
26 be filed in the office of the ~~clerk~~ register of the district court deeds, unless the
27 board of county commissioners designates a different official, and one copy must
28 be retained for the liquidator's files. All amendments and supplements must be
29 similarly filed.

30 **SECTION 47. AMENDMENT.** Subsection 3 of section 26.1-06.1-49 of the North
31 Dakota Century Code is amended and reenacted as follows:

1 3. The court may issue the order in whatever terms it deems appropriate. The filing
2 or recording of the order with the ~~clerk of the district court or the~~ register of deeds,
3 unless the board of county commissioners designates a different official, of the
4 county in which the principal business of the company is located, imparts the same
5 notice as a deed, bill of sale, or other evidence of title duly filed or recorded with
6 that register of deeds, or designated official.

7 **SECTION 48. AMENDMENT.** Subsection 3 of section 26.1-06.1-50 of the North
8 Dakota Century Code is amended and reenacted as follows:

9 3. If it appears to the court that the best interests of creditors, policyholders, and the
10 public require, the court may issue an order to liquidate in whatever terms it deems
11 appropriate. The filing or recording of the order with the ~~clerk of the district court or~~
12 the register of deeds, unless the board of county commissioners designates a
13 different official, of the county in which the principal business of the company is
14 located or the county in which its principal office or place of business is located,
15 imparts the same notice as a deed, bill of sale, or other evidence of title duly filed
16 or recorded with that register of deeds, or designated official.

17 **SECTION 49. AMENDMENT.** Section 27-01-01.1 of the 1997 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **27-01-01.1. Budgeting and financing of the supreme court and district courts.**

20 The state court administrator shall submit a comprehensive budget for the supreme court and
21 the district courts to the legislative assembly. An informational copy of the budget must be
22 delivered to the director of the budget pursuant to section 54-44.1-13. The budget for the
23 district courts must include all salary and expenses for the district courts, including the juvenile
24 courts, and their employees ~~except the clerks of district courts and their deputies and~~
25 ~~employees, whose salaries and expenses must be paid by the counties unless the county has~~
26 ~~properly exercised its option pursuant to section 11-17-11.~~ Each county shall provide the
27 district court in that county with adequate chamber, court, and law library quarters, and lights
28 and fuel and appropriate facilities for clerk of court services that are state funded pursuant to
29 section ~~44-17-11~~ 27-05.2-02. Any equipment, furnishings, and law libraries in the control and
30 custody of the district court on January 1, 1980, and any such property acquired from that date
31 until July 1, 1981, must continue to be in district court's custody and control until the state court

1 administrator determines such items are no longer needed by the court. ~~Any equipment and~~
2 ~~furnishings in the control and custody of a clerk of district court on the date of the exercise of~~
3 ~~the county option pursuant to section 11-17-11, and any such property acquired from that date~~
4 ~~until the beginning of the next state biennium, must continue in the district court's custody and~~
5 ~~control until the state court administrator determines such items are no longer needed by the~~
6 ~~judicial system. Upon that determination custody and control of the property must revert back~~
7 ~~to the county.~~

8 **SECTION 50.** Chapter 27-05.2 of the North Dakota Century Code is created and
9 enacted as follows:

10 **27-05.2-01. Statement if intent.** It is the intent of the legislative assembly that
11 adequate and proper judicial services, including clerk of district court services, be provided in
12 each county in this state. It is also the intent of the legislative assembly that funding for clerk of
13 district court services be provided by the state judicial system within the limits of legislative
14 appropriations and in cooperation with the several boards of county commissioners of the
15 various counties in this state.

16 **27-05.2-02. State funding of clerk of district court services - Agreements to**
17 **provide services - Transition schedule.**

18 1. Except as provided in subsection 2, the supreme court, within the limits of
19 legislative appropriations and pursuant to subsection 7, shall provide clerk of
20 district court services in each county in the state. The supreme court may provide
21 such services through clerks of district court, deputies, and assistants who are
22 employees of the judicial system or through service agreements under
23 subsection 6. The supreme court shall develop standards and procedures to
24 ensure that adequate clerk of district court services are provided. "Clerk of district
25 court services" means those duties and services, as provided by statute or rule of
26 the supreme court, that directly serve the judicial system and the provision of
27 effective and efficient judicial services to the public. Beginning January 1, 2003,
28 the individual designated by a board of county commissioners to provide clerk of
29 district court services under subsection 2 or 6 serves as ex officio clerk of district
30 court. The salary and bond for the ex officio clerk of district court must be fixed by
31 a resolution adopted by the board of county commissioners.

- 1 2. A county may elect to provide clerk of district court services at the county's own
2 expense. The board of county commissioners shall forward to the supreme court a
3 resolution indicating its election to provide services under this subsection. Such
4 services must be provided in a manner consistent with standards and procedures
5 established by the supreme court. If the county is unable to provide adequate clerk
6 of district court services, the supreme court shall provide for those services in any
7 manner it considers appropriate. If a county has entered into an agreement under
8 subsection 6, the county may not provide clerk of district court services under this
9 subsection until after the agreement has expired.
- 10 3. In a county in which the supreme court determines that at least two full-time
11 employees are necessary to provide adequate clerk of district court services, the
12 elected clerk of district court and clerk of court staff designated by the supreme
13 court shall become employees of the state judicial system if the board of county
14 commissioners consents to the transition after consultation with the elected clerk.
15 This subsection applies upon receipt by the supreme court of a resolution adopted
16 by the board of county commissioners indicating its consent. Any equipment,
17 including technology related equipment, and furnishings in the control and custody
18 of the clerk of district court on the date the clerk becomes a state employee must
19 remain in the control and custody of the clerk until the state court administrator
20 determines the items are no longer needed. The clerk, upon becoming a state
21 employee, shall receive a salary in an amount not less than the salary received as
22 a county employee and shall remain an employee of the state judicial system until
23 the clerk retires, resigns, or the term for which the clerk was initially elected
24 expires, whichever occurs earlier. Thereafter, the clerk of district court must be
25 appointed in the manner provided by supreme court rule. The bond for the clerk of
26 district court must be set by the supreme court. If the board of county
27 commissioners does not consent to the clerk and designated staff becoming
28 employees of the state judicial system, the county must provide clerk of district
29 court services at its own expense in accordance with subsection 2.
- 30 4. In a county in which the supreme court determines that one or more, but less than
31 two, full-time employees are necessary to provide clerk of district court services,

- 1 the elected clerk of district court and clerk of court staff designated by the supreme
2 court shall become employees of the state judicial system in the manner described
3 in subsection 3. If the board of county commissioners does not consent to the
4 clerk and designated staff becoming employees of the state judicial system, the
5 county may provide clerk of district court services at its own expenses under
6 subsection 2 or the supreme court may provide funding for clerk of district court
7 services in accordance with an agreement under subsection 6.
- 8 5. In a county in which the supreme court determines that less than one full-time
9 employee is necessary to provide clerk of district court services, the supreme court
10 may provide funding for such services in accordance with an agreement under
11 subsection 6.
- 12 6. The supreme court may enter into an agreement with one or more boards of
13 county commissioners to provide funding for the provision of clerk of district court
14 services in a manner consistent with standards and procedures established by the
15 supreme court. Funding for personnel under the agreement must be equal to the
16 amount, based on county employee compensation levels, necessary for the
17 number of full-time employees needed to provide clerk of district court services.
18 Funding must be available under the agreement to defray the cost of technology
19 related equipment considered necessary by the supreme court for the delivery of
20 adequate clerk of district court services. After entering into an agreement under
21 this subsection, a county may, under chapter 11-10.2 or 11-10.3, provide for the
22 delivery of clerk of district court services in a manner consistent with the
23 agreement. If a county fails to fulfill the terms of an agreement or is unable to
24 provide clerk of district court services consistent with standards and procedures
25 established by the supreme court, the supreme court shall provide for those
26 services in any manner it considers appropriate.
- 27 7. a. State funding for the provision of clerk of district court services may be
28 provided beginning January 1, 2001. Before April 1, 2000, each board of
29 county commissioners shall notify the supreme court of its election to provide
30 clerk of district court services under subsection 2, of its consent to the elected
31 clerk of court and designated staff becoming state employees under

1 subsection 3 or 4, or of its election to enter into an agreement under
2 subsection 6. If a board of county commissioners elects to enter into an
3 agreement under subsection 6, the agreement must be executed before
4 July 1, 2000. If an agreement is not executed before that date, the county
5 must provide clerk of district court services at its own expense under
6 subsection 2.

- 7 b. Before April 1, 2002, and thereafter before April 1 of each succeeding
8 even-numbered year, each board of county commissioners that has executed
9 an agreement under subsection 6 or whose county is providing clerk of district
10 court services under subsection 2 must notify the supreme court of its election
11 to continue the existing arrangement or initiate a different option. If a board of
12 county commissioners elects to enter into an agreement under subsection 6,
13 the agreement must be executed before July 1 of the year the election is
14 made. If an agreement is not executed before that date, the county must
15 provide clerk of district court services at its own expense under subsection 2.

16 **27-05.2-03. (Effective January 1, 2001) Fees to be charged by the clerk of the**
17 **district court.**

- 18 1. A clerk of the district court shall charge and collect the following fees in civil cases:
19 a. For filing a case for decision that is not a small claims action, eighty dollars.
20 (1) Fifteen dollars of this fee must be paid by the clerk of court to the state
21 treasurer for deposit in the civil legal services fund. Any fees collected
22 under this paragraph which exceed four hundred thousand dollars in
23 any biennium must be paid by the clerk of court to the state treasurer
24 for deposit in the state general fund.
25 (2) For the filing of a petition for dissolution of marriage, annulment, or
26 separation from bed and board, fifty dollars of this fee must be paid by
27 the clerk of court to the state treasurer for deposit in the displaced
28 homemaker account created by section 14-06.1-14 and fifteen dollars
29 of this fee must be paid by the clerk of court to the state treasurer for
30 deposit in the state general fund.

- 1 (3) For all other filings, sixty-five dollars of this fee must be paid by the
2 clerk of court to the state treasurer for deposit in the state general fund.
- 3 b. For filing an answer to a case that is not a small claims action, fifty dollars.
4 The clerk shall deposit this fee with the state treasurer for deposit in the
5 general fund in the state treasury.
- 6 c. For filing a small claims action in district court, ten dollars.
- 7 d. For filing any matter authorized to be filed in the office of the clerk of court
8 other than under subdivision a, b, or c, ten dollars.
- 9 e. For preparing, certifying, issuing, or transmitting any document, ten dollars; or
10 a lesser fee as may be set by the state court administrator.
- 11 f. For filing a motion or an answer to a motion to modify an order for alimony,
12 property division, child support, or child custody, thirty dollars. The clerk shall
13 deposit this fee with the state treasurer for deposit in the general fund of the
14 state treasury.
- 15 2. Section 27-01-07 applies to fees charged under this section. The clerk of court
16 may not charge or collect any fee, prescribed by this or any other section, from the
17 state or an agency thereof or from a political subdivision or agency thereof.

18 **27-05.2-04. (Effective January 1, 2001) Clerk to keep record of fees - Monthly**
19 **report to county auditor or state treasurer.** The clerk of the district court shall keep a public
20 record of all money received as fees for services rendered as clerk. Within three days after the
21 close of each calendar month, and also at the close of the clerk's term of office for a clerk who
22 has not become a state employee under subsection 3 or 4 of section 27-05.2-02, the clerk shall
23 file with the county auditor a statement under oath showing the amount of fees received as
24 clerk since the date of the clerk's last report and within three days thereafter the clerk shall
25 deposit with the county treasurer the total sum of such fees which must be used for facilities,
26 except fees that the clerk is directed to deposit with the state treasurer or is authorized
27 expressly to retain. Within three days after the close of each calendar month, a clerk who has
28 become a state employee under subsection 3 or 4 of section 27-05.2-02 shall file with the state
29 treasurer a statement under oath showing the amount of fees received by the clerk since the
30 date of the clerk's last report. Within three days thereafter, the clerk shall deposit with the state
31 treasurer the total sum of fees required to be deposited in the general fund or in a designated

1 special fund. The clerk shall forward to the county treasurer any fees received under section
2 27-05.2-03 which are not required to be deposited in the state general fund or a designated
3 special fund. Those fees must be used for facilities. The clerk may establish a special account
4 in the Bank of North Dakota or in a banking institution designated as a depository of public
5 funds under chapter 21-04 for purposes of depositing any money not required to be deposited
6 in the state general fund, a designated special fund, or the county treasury and which is
7 received as bail or restitution, or otherwise received pursuant to an order of the court. The clerk
8 shall make payments from the special account for purposes of refunding bail, forwarding
9 restitution amounts to the entitled recipient, or otherwise making payments as directed by an
10 order of the court. If money deposited as bail is forfeited, the clerk shall submit the appropriate
11 sum to the state treasurer for deposit in the state general fund. If the clerk is unable to make
12 payments from the special account because the address of the recipient is unknown or the
13 recipient cannot otherwise be located, the clerk shall dispose of the deposited money in
14 accordance with chapter 47-30.1

15 **27-05.2-05. (Effective January 1, 2001) Decree or judgment of divorce, annulment,**
16 **or paternity filed with registrar of vital statistics.** The clerk of the district court in which any
17 decree or judgment of divorce, annulment of marriage, or paternity has been entered shall
18 within fifteen days of the filing thereof notify the state register of vital statistics of the entry of the
19 decree or judgment of divorce, annulment of marriage, or paternity and shall furnish such
20 information relating thereto as the state registrar may require upon such forms as may be
21 furnished by the state registrar.

22 **27-05.2-06. Records maintenance and disposal.** A clerk of district court shall
23 maintain and dispose of court records in accordance with rules, policies, and procedures
24 adopted by the supreme court.

25 **27-05.2-07. (Effective January 1, 2001) Penalty for neglect of duty.** If an elected
26 clerk of the district court who has not become a state employee under subsection 3 or 4 of
27 section 27-05.2-02 violates the clerk's oath of office or neglects or refuses to perform any of the
28 duties of office and any person is injured or aggrieved by such violation or neglect, such person
29 may institute legal proceedings upon the bond of the clerk and recover double the amount of
30 damages actually sustained. For each such violation or neglect by the clerk, the county
31 treasurer shall collect a forfeiture of not less than fifty dollars.

1 **SECTION 51. AMENDMENT.** Section 27-05.2-04 of the North Dakota Century Code
2 as created in section 50 of this Act, as approved by the fifty-sixth legislative assembly, is
3 amended and reenacted as follows:

4 **27-05.2-04. (Effective January 1, 2004 2003) Clerk to keep record of fees -**
5 **Monthly report to county auditor or state treasurer.** The A clerk of the district court
6 providing clerk services in accordance with subsection 2 or 6 of section 27-05.2-02 shall keep a
7 public record of all money received as fees for services rendered as clerk. Within three days
8 after the close of each calendar month, ~~and also at the close of the clerk's term of office for a~~
9 ~~clerk who has not become a state employee under subsection 3 or 4 of section 27-05.2-02,~~ the
10 clerk shall file with the county auditor a statement under oath showing the amount of fees
11 received as clerk since the date of the clerk's last report and within three days thereafter the
12 clerk shall deposit with the county treasurer the total sum of such fees which must be used for
13 facilities, except fees that the clerk is directed to deposit with the state treasurer or is authorized
14 expressly to retain. Within three days after the close of each calendar month, a clerk who has
15 become a state employee under subsection 3 or 4 of section 27-05.2-02 shall file with the state
16 treasurer a statement under oath showing the amount of fees received by the clerk since the
17 date of the clerk's last report. Within three days thereafter, the clerk shall deposit with the state
18 treasurer the total sum of fees required to be deposited in the general fund or in a designated
19 special fund. The clerk shall forward to the county treasurer any fees received under section
20 27-05.2-03 which are not required to be deposited in the state general fund or a designated
21 special fund. Those fees must be used for facilities. The clerk may establish a special account
22 in the Bank of North Dakota or in a banking institution designated as a depository of public
23 funds under chapter 21-04 for purposes of depositing any money not required to be deposited
24 in the state general fund, a designated special fund, or the county treasury and which is
25 received as bail or restitution, or otherwise received pursuant to an order of the court. The clerk
26 shall make payments from the special account for purposes of refunding bail, forwarding
27 restitution amounts to the entitled recipient, or otherwise making payments as directed by an
28 order of the court. If money deposited as bail is forfeited, the clerk shall submit the appropriate
29 sum to the state treasurer for deposit in the state general fund. If the clerk is unable to make
30 payments from the special account because the address of the recipient is unknown or the

1 recipient cannot otherwise be located, the clerk shall dispose of the deposited money in
2 accordance with chapter 47-30.1

3 **SECTION 52. AMENDMENT.** Section 27-05.2-07 of the North Dakota Century Code
4 as created in section 50 of this Act, as approved by the fifty-sixth legislative assembly, is
5 amended and reenacted as follows:

6 **27-05.2-07. (Effective January 1, 2004 ~~2003~~) Penalty for neglect of duty.** If an
7 ~~elected ex officio~~ clerk of the district court ~~who has not become a state employee under~~
8 ~~subsection 3 or 4 of section 27-05.2-02~~ violates the clerk's oath of office or neglects or refuses
9 to perform any of the duties of office and any person is injured or aggrieved by such violation or
10 neglect, such person may institute legal proceedings upon the bond of the clerk and recover
11 double the amount of damages actually sustained. For each such violation or neglect by the
12 clerk, the county treasurer shall collect a forfeiture of not less than fifty dollars.

13 **SECTION 53. AMENDMENT.** Section 27-08.1-03 of the 1997 Supplement to the North
14 Dakota Century Code is amended and reenacted as follows:

15 **27-08.1-03. (Effective January 1, 2001) Informal hearing - Answer and**
16 **counterclaim - Filing and service fees - Examination of debtor.** No formal pleadings other
17 than the claim affidavit and order for appearance shall be required, and the hearing and
18 disposition of actions shall be informal. No court reporter shall be required to be present to take
19 the testimony unless arranged for and paid for by one of the parties to the action. The
20 defendant may file an answer, and file a claim affidavit setting forth any new matter constituting
21 a counterclaim, not to exceed five thousand dollars, which must be served upon the plaintiff by
22 a person of legal age not a party to or interested in the action, or mailed to him by certified mail,
23 not later than forty-eight hours before the hearing set for the appearance of the defendant. The
24 compulsory counterclaim rule does not apply to counterclaims in excess of five thousand
25 dollars. At the hearing, the plaintiff and the defendant may appear without counsel. The court
26 will conduct the proceedings and may make its own inquiry before, during, or after the hearing.
27 After the court has found that money is owing by any party to the proceeding, the court may, in
28 the presence of the prevailing party, inquire of the debtor as to plans for payment of the debt.
29 The court may examine the debtor concerning the property owned by the debtor, at the hearing,
30 as would be made under chapter 28-25. The examination may be made without first having
31 issued an execution against the property of the debtor and without further notice as otherwise

1 provided in chapter 28-25. A trial by jury shall not be allowed in small claims court. A fee as
2 prescribed in subdivision c of subsection 1 of section ~~44-17-04~~ 27-05.2-03 must be charged for
3 filing the claim affidavit.

4 **SECTION 54. AMENDMENT.** Section 28-20.1-05 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **28-20.1-05. (Effective January 1, 2001) Fees.** Any person filing a foreign judgment
7 shall pay to the clerk of court a filing fee as prescribed in subdivision d of subsection 1 of
8 section ~~44-17-04~~ 27-05.2-03. Fees for docketing, transcription, or other enforcement
9 proceedings must be as provided for judgments of the district court of any county of this state.

10 **SECTION 55. AMENDMENT.** Section 30.1-11-01 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **30.1-11-01. (Effective January 1, 2001) (2-515) Deposit of will with court in**
13 **testator's lifetime.** A will may be deposited by the testator or the testator's agent with ~~any~~
14 ~~court~~ a register of deeds for safekeeping, ~~under rules of the court.~~ The will must be sealed and
15 kept confidential. During the testator's lifetime, a deposited will must be delivered only to the
16 testator or to a person authorized in a writing signed by the testator to receive the will. A
17 conservator may be allowed to examine a deposited will of a protected testator under
18 procedures designed to maintain the confidential character of the document to the extent
19 possible, and to ensure that it will be resealed and kept on deposit after the examination. Upon
20 being informed of the testator's death, the ~~court~~ register of deeds shall notify any person
21 designated to receive the will and deliver it to that person on request; or the ~~court~~ register of
22 deeds may deliver the will to the appropriate court.

23 **SECTION 56. AMENDMENT.** Section 32-37-05 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **32-37-05. (Effective January 1, 2001) Fees paid by petitioner - Filing copy of**
26 **judgment.** The petitioner, upon the filing of the petition, must pay to the clerk of the district
27 court a filing fee as prescribed in subsection 1 of section ~~44-17-04~~ 27-05.2-03. The cost of the
28 publication of the notice required by this chapter shall be paid by the petitioner. In the event
29 that said judgment shall establish the date and place of birth of the petitioner, the clerk of the
30 court shall certify a copy of such judgment and file the same with the division of vital statistics,
31 state department of health, Bismarck, North Dakota.

1 **SECTION 57. AMENDMENT.** Section 35-18-04 of the 1997 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **35-18-04. (Effective January 1, 2001) Clerk of court - Filing - Record - Fee.** The
4 clerk of the district court with whom the lien statement and proof of service are filed shall
5 endorse on those filings the date and hour of filing and shall keep a record of all lien statements
6 filed in the county, and of any orders, or responses relating to any orders, by the district court.
7 The clerk shall establish and maintain a system for indexing, filing, or recording which is
8 sufficient to enable users of the records to obtain adequate information. The clerk shall collect
9 a fee as prescribed in subdivision d of subsection 1 of section ~~44-17-04~~ 27-05.2-03 for filing
10 and indexing each lien.

11 **SECTION 58. AMENDMENT.** Section 35-21-05 of the 1997 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **35-21-05. (Effective January 1, 2001) Fee - Recordation - Certified copies as**
14 **evidence.** If the presiding officer is the clerk of the district court, the clerk may charge a fee as
15 prescribed in subdivision d of subsection 1 of section ~~44-17-04~~ 27-05.2-03 to be paid in
16 advance by the applicant. If the officer is the clerk of the district court, the clerk shall record the
17 notice, affidavit, and undertaking in a recording system provided for that purpose. If the officer
18 is the register of deeds, the officer shall record the same in the book of miscellaneous records.
19 The register of deeds may charge a fee as provided by section 11-18-05. Certified copies of
20 the documents are prima facie evidence, in the courts of this state, of the matters therein
21 contained.

22 **SECTION 59. AMENDMENT.** Section 37-01-34 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **37-01-34. (Effective January 1, 2001) Recordation of discharge papers.** ~~It is~~
25 ~~hereby provided that those~~ Those discharged from the national guard, the army, the marine
26 corps, and other branches of the armed forces of the United States may record, without
27 payment of any fee, their discharges from such armed forces, a certificate issued in lieu thereof,
28 duly authenticated and certified copies thereof, or duly certified records of their service and
29 discharge from such armed forces in the office of the ~~clerk~~ register of the district court deeds of
30 the county in which they reside, ~~without payment of any fee whatsoever, and such recordings~~
31 ~~have the same force and effect as the recording of other instruments; provided, however, that~~

1 ~~any, unless the board of county commissioners designates a different official.~~ Any discharge
2 document recorded by the ~~clerk~~ register of district court deeds, or designated official, may be
3 made available only to the following persons: the veteran, the parents, ~~his~~ the veteran's next of
4 kin, the veteran's legal representative, a county veterans' service officer, a veterans'
5 organization service officer, the department of veterans' affairs, or a designee of the veteran.

6 **SECTION 60. AMENDMENT.** Section 37-01-35 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **37-01-35. (Effective January 1, 2001) Legalizing previous recordings.** Where
9 ~~clerks a register of court~~ have deeds, or designated official, has recorded discharge papers
10 without charging the recording fees provided by law, ~~said the~~ recording is ~~hereby~~ declared
11 legalized. In no such case may ~~clerks the register of court deeds, or designated official,~~ be
12 held responsible ~~to his respective county~~ in cases where filing fees have not been collected.

13 **SECTION 61. AMENDMENT.** Subsection 4 of section 39-06.2-10.6 of the North
14 Dakota Century Code is amended and reenacted as follows:

15 4. At a hearing under this section, the regularly kept records of the director may be
16 introduced. Those records establish prima facie their contents without further
17 foundation. For purposes of this chapter, the following are deemed regularly kept
18 records of the director: any copy of a certified copy of an analytical report of a
19 blood or urine sample received by the director from the office of the state
20 toxicologist or a law enforcement officer, a certified copy of the checklist and test
21 records received by the director from a certified breath test operator, and any copy
22 of a certified copy of a certificate of the office of the state toxicologist relating to
23 approved methods, devices, operators, materials, and checklists used for testing
24 for alcohol concentration received by the director from the office of the state
25 toxicologist, ~~or the clerk register of district court,~~ are regularly kept records of the
26 ~~director~~ deeds, unless the board of county commissioners has designated a
27 different official to maintain the certificate.

28 **SECTION 62. AMENDMENT.** Subsection 4 of section 39-20-05 of the North Dakota
29 Century Code is amended and reenacted as follows:

30 4. At a hearing under this section, the regularly kept records of the director may be
31 introduced. Those records establish prima facie their contents without further

1 foundation. For purposes of this chapter, the following are deemed regularly kept
2 records of the director: any copy of a certified copy of an analytical report of a
3 blood, urine, or saliva sample received by the director from the state toxicologist or
4 a law enforcement officer, a certified copy of the checklist and test records
5 received by the director from a certified breath test operator, and any copy of a
6 certified copy of a certificate of the state toxicologist relating to approved methods,
7 devices, operators, materials, and checklists used for testing for alcohol
8 concentration received by the director from the state toxicologist, or the ~~clerk~~
9 register of district court, are regularly kept records of the director ~~deeds~~, unless the
10 board of county commissioners has designated a different official to maintain the
11 certificate.

12 **SECTION 63. AMENDMENT.** Subsections 6 and 7 of section 39-20-07 of the North
13 Dakota Century Code are amended and reenacted as follows:

- 14 6. The state toxicologist may appoint, train, certify, and supervise field inspectors of
15 breath testing equipment and its operation, and the inspectors shall report the
16 findings of any inspection to the state toxicologist for appropriate action. Upon
17 approval of the methods or devices, or both, required to perform the tests and the
18 persons qualified to administer them, the state toxicologist shall prepare and file
19 written record of the approval with the director and the ~~clerk~~ register of the district
20 ~~court~~ deeds in each county, unless the board of county commissioners designates
21 a different official, and shall include in the record:
- 22 a. An annual register of the specific testing devices currently approved, including
23 serial number, location, and the date and results of last inspection.
 - 24 b. An annual register of currently qualified and certified operators of the devices,
25 stating the date of certification and its expiration.
 - 26 c. The operational checklist and forms prescribing the methods currently
27 approved by the state toxicologist in using the devices during the
28 administration of the tests.

29 The material filed under this section may be supplemented when the state
30 toxicologist determines it to be necessary, and any supplemental material has the
31 same force and effect as the material that it supplements.

1 7. Copies of the records referred to in subsections 5 and 6, certified by the ~~clerk~~
2 register of the district court deeds, or designated official, must be admitted as
3 prima facie evidence of the matters stated in the records.

4 **SECTION 64. AMENDMENT.** Subsections 4 and 5 of section 39-24.1-08 of the North
5 Dakota Century Code are amended and reenacted as follows:

6 4. The state toxicologist may appoint, train, certify, and supervise field inspectors of
7 breath testing equipment and its operation, and the inspectors shall report the
8 findings of any inspection to the state toxicologist for appropriate action. Upon
9 approval of the methods or devices, or both, required to perform the tests and the
10 persons qualified to administer them, the state toxicologist shall prepare and file
11 written record of the approval with the director and the ~~clerk~~ register of the district
12 ~~court deeds~~ in each county, unless the board of county commissioners designates
13 a different official, and shall include in the record:

- 14 a. An annual register of the specific testing devices currently approved, including
15 serial number, location, and the date and results of last inspection.
16 b. An annual register of currently qualified and certified operators of the devices,
17 stating the date of certification and its expiration.
18 c. The operational checklist and forms prescribing the methods currently
19 approved by the state toxicologist in using the devices during the
20 administration of the tests.

21 The material filed under this subsection may be supplemented when the state
22 toxicologist determines it to be necessary, and any supplemental material has the
23 same force and effect as the material that it supplements.

24 5. Copies of the records referred to in subsections 3 and 4, certified by the ~~clerk~~
25 register of the district court deeds, or designated official, must be admitted as
26 prima facie evidence of the matters stated in the records.

27 **SECTION 65. AMENDMENT.** Subsection 1 of section 40-01.1-04 of the 1997
28 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 29 1. With respect to a county:
30 a. Execution of a joint powers agreement between the county and one or more
31 other political subdivisions or the state for the cooperative or joint

- 1 administration of any service or function pursuant to chapter 54-40.3 or as
2 otherwise specifically provided by law, or an agreement between the county
3 and a tribal government pursuant to chapter 54-40.2.
- 4 b. Exercise of the county's general authority to contract pursuant to section
5 11-10-01 and any other law, including service agreements with public or
6 private parties under the terms and conditions of the agreements.
- 7 c. Combination or separation of any elective or appointive county office and
8 corresponding functions, or redesignation of any county office as elective or
9 appointive, pursuant to chapter 11-10.2.
- 10 d. Change in the number of county commissioners pursuant to chapter 11-12.
- 11 e. Establishment of a county home rule charter commission for initiating the
12 adoption of a home rule charter or the amendment or repeal of a home rule
13 charter pursuant to chapter 11-09.1, or the adoption, amendment, or repeal of
14 ordinances for implementing a home rule charter. The recommendation may
15 include a specific nonbinding proposal or draft for a home rule charter or
16 amendment to a home rule charter.
- 17 f. Adoption of the consolidated office form of county government pursuant to
18 chapter 11-08.
- 19 g. Adoption of the county manager form of county government pursuant to
20 chapter 11-09.
- 21 h. Use of other statutory tools relating to social and economic development, land
22 use, transportation and roads, health, law enforcement, administrative and
23 fiscal services, recording and registration services, educational services,
24 environmental quality, water, sewer, solid waste, flood relief, parks and open
25 spaces, hospitals, public buildings, or other county functions or services,
26 including creation of cooperative county job development authorities pursuant
27 to section 11-11.1-03, multicounty health units pursuant to sections
28 23-14-01.1 through 23-14-01.6, regional planning and zoning commissions
29 pursuant to section 11-35-01, boards of joint county park districts pursuant to
30 chapter 11-28 or a combination of boards of park commissioners with a city

- 1 pursuant to chapter 40-49.1, or multicounty social service districts pursuant to
2 chapter 50-01.1.
- 3 i. Participation in a community or leadership development, assessment,
4 education, planning, or training program offered by any public or private
5 agency, institution, or organization.
- 6 j. ~~Exercise of county options with respect to register of deed services and clerk
7 of district court services pursuant to sections 11-10-02 and 11-17-11.~~
- 8 k. Sharing of elective or appointive county officers with other counties, cities, or
9 other political subdivisions pursuant to chapter 11-10.3.
- 10 l. k. Initiation of the multicounty home rule charter process or the amendment or
11 repeal of a multicounty home rule charter pursuant to section 11-09.1-04.1, or
12 the adoption, amendment, or repeal of ordinances to implement the charter.
13 The recommendation may include a specific nonbinding proposal or draft for a
14 multicounty home rule charter.
- 15 m. l. Initiation of the county-city home rule process or the amendment or repeal of
16 a county-city home rule charter pursuant to chapter 54-40.4, or the adoption,
17 amendment, or repeal of ordinances to implement the charter. The
18 recommendation may include a specific nonbinding proposal or draft for a
19 county-city home rule charter.
- 20 n. m. Transfer of a power or function of another political subdivision to the county
21 pursuant to chapter 54-40.5.
- 22 o. n. Creation of a county consolidation committee pursuant to chapter 11-05.1.
- 23 p. o. That any other action be taken that is permitted by law.
- 24 q. p. That no action be taken.

25 **SECTION 66. AMENDMENT.** Section 40-05.1-05 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **40-05.1-05. (Effective January 1, 2001) Ratification by majority vote -**
28 **Supersession of existing charter and state laws in conflict therewith - Filing of copies of**
29 **new charter.** If a majority of the qualified voters voting on the charter at the election shall vote
30 in favor of the home rule charter it shall be deemed to be ratified and shall become the organic
31 law of such city, and extend to all its local and city matters. Such charter and the ordinances

1 made pursuant thereto in such matters shall supersede within the territorial limits and other
2 jurisdiction of the city any law of the state in conflict therewith, and shall be liberally construed
3 for such purposes. One copy of the charter so ratified and approved shall be filed with the
4 secretary of state; one with the ~~elk~~ register of district court deeds for the county in which the
5 city is located, unless the board of county commissioners designates a different official; and
6 one with the auditor of the city to remain as a part of its permanent records. Thereupon the
7 courts shall take judicial notice of the new charter.

8 **SECTION 67. AMENDMENT.** Subsection 1 of section 40-33.1-14 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 1. In the event that an authority shall default in the payment of principal of or interest
11 on any issue of the notes after the same shall become due, whether at maturity or
12 upon call for redemption, and such default shall continue for a period of thirty days,
13 or in the event that an authority shall fail or refuse to comply with the provisions of
14 this chapter, or shall default in any agreement made with the holders of any issue
15 of the notes, the holders of twenty-five percent in aggregate principal amount of the
16 notes of such issue then outstanding, by instrument or instruments filed in the
17 office of the ~~elk~~ register of the district court deeds of the county in which the
18 authority is located, unless the board of county commissioners designates a
19 different official, and proved or acknowledged in the same manner as a deed to be
20 recorded, may appoint a trustee to represent the holders of such notes for the
21 purposes herein provided.

22 **SECTION 68. AMENDMENT.** Subsection 1 of section 40-61-16 of the North Dakota
23 Century Code is amended and reenacted as follows:

24 1. In the event that an authority shall default in the payment of principal of or interest
25 on any issue of the bonds after the same shall become due, whether at maturity or
26 upon call for redemption, and such default shall continue for a period of thirty days,
27 or in the event that an authority shall fail or refuse to comply with the provisions of
28 this chapter, or shall default in any agreement made with the holders of any issue
29 of the bonds, the holders of twenty-five percent in aggregate principal amount of
30 the bonds of such issue then outstanding, by instrument or instruments filed in the
31 office of the ~~elk~~ register of the district court deeds of the county in which the

1 authority is located, unless the board of county commissioners designates a
2 different official, and proved or acknowledged in the same manner as a deed to be
3 recorded, may appoint a trustee to represent the holders of such bonds for the
4 purposes herein provided.

5 **SECTION 69. AMENDMENT.** Section 43-01-19 of the 1997 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **43-01-19. (Effective January 1, 2001) County officers may certify abstracts.** The
8 provisions of this chapter do not prevent the register of deeds, county treasurer, or clerk of court
9 from certifying to abstracts of title to lands from the records of their respective offices. Each
10 such officer, however, is liable on his official bond for the faithful performance of all acts
11 performed by him as such abstracter. If the officer certifying the abstract is the clerk of court,
12 the clerk shall charge and collect a fee as prescribed in subdivision e of subsection 1 of section
13 ~~44-17-04~~ 27-05.2-03.

14 **SECTION 70. AMENDMENT.** Section 43-23-16 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **43-23-16. (Effective January 1, 2001) Licensee list.** The secretary-treasurer shall
17 publish, at least annually, a list of the names and addresses of all licensees licensed by the
18 board under the provisions of this chapter, together with such other information relative to the
19 enforcement of the provisions of this chapter as the board may deem of interest to the public.
20 One of such lists must be mailed to the ~~clerk register of courts deeds~~ clerk register of courts deeds in each county ~~of the~~
21 ~~state~~, unless the board of county commissioners designates a different official, and must be
22 held ~~by said clerk of court~~ as a public record. Such lists must also be mailed by the
23 secretary-treasurer to any person in this state upon request, and to all licensed brokers without
24 charge.

25 **SECTION 71. AMENDMENT.** Section 43-25-09 of the 1997 Supplement to the North
26 Dakota Century Code is amended and reenacted as follows:

27 **43-25-09. (Effective January 1, 2001) License - Display - Renewal - Renewal fee.**
28 Each license must be conspicuously displayed at the place of practice and must be recorded
29 within thirty days after issuance in the office of the ~~clerk register of the district court deeds~~ clerk register of courts deeds in
30 any county where the licensed massage therapist practices ~~within thirty days after issuance~~,
31 unless the board of county commissioners designates a different official. On or before January

1 first of each year, each licensed massage therapist shall pay to the secretary-treasurer of the
2 board a renewal fee of one hundred dollars or a lesser amount established by the board.
3 Attendance at postgraduate work of at least eighteen continuing education units a year as
4 prescribed by the board is a further requirement for renewal of the license. If the board
5 reasonably believes a massage therapist is in a physical condition jeopardizing the health of
6 those who seek relief from the massage therapist, the board may require the applicant to have
7 a physical examination by a competent medical examiner. If the applicant has had or has any
8 communicable disease sufficient to disqualify the applicant to practice massage in the state, the
9 board shall deny a license until the applicant furnishes due proof of being physically and
10 mentally competent and sound. A holder of an expired license may within one year from the
11 date of its expiration have the license renewed upon payment of the required renewal fee and
12 production of a new certificate of physical examination. All licenseholders must be designated
13 as licensed massage therapists and may not use any title or abbreviation without the
14 designation "massage therapist".

15 **SECTION 72. AMENDMENT.** Section 43-49-09 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **43-49-09. (Effective January 1, 2001) License - Display - Renewal - Renewal fee.**

18 Each license must be conspicuously displayed at the place of practice. A license must be
19 recorded within thirty days after issuance in the office of the ~~clerk~~ register of the ~~district court~~
20 deeds, unless the board of county commissioners designates a different official, in any county
21 where the reflexologist practices ~~within thirty days after issuance~~.

22 A license must be renewed before June first of each year. The secretary-treasurer of
23 the board shall mail notice of renewal to each licensed reflexologist's address as shown in the
24 records of the board at least thirty days before the expiration of the license. The notice must
25 include any requests for information necessary for renewal. The licensed reflexologist may
26 renew a license by sending a renewal fee of twenty-five dollars, or an amount set by the board,
27 to the secretary-treasurer of the board, and submitting proof that the reflexologist has attended
28 a seminar on reflexology at least once during the preceding three years. A license that is not
29 renewed by June thirtieth lapses.

30 **SECTION 73. AMENDMENT.** Section 44-11-01 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **44-11-01. (Effective January 1, 2001) What officers removable by governor -**
2 **Grounds.** The governor may remove from office any county commissioner, clerk of the district
3 court who is not an employee of the state judicial system, sheriff, coroner, county auditor,
4 register of deeds, state's attorney, county treasurer, superintendent of schools, county
5 commissioner, surveyor, public administrator, city auditor, city commissioner, mayor, chief of
6 police, deputy sheriff, or other police officer, township officer, rural fire protection district board
7 member, school board member, or any custodian of public moneys, except the state treasurer,
8 whenever it appears to the governor by competent evidence and after a hearing as provided in
9 this chapter, that the officer has been guilty of misconduct, malfeasance, crime in office, neglect
10 of duty in office, or of habitual drunkenness or gross incompetency.

11 **SECTION 74. AMENDMENT.** Section 44-11-01 of the North Dakota Century Code as
12 amended in section 73 of this Act, as approved by the fifty-sixth legislative assembly, is
13 amended and reenacted as follows:

14 **44-11-01. (Effective January 1, 2001 2003) What officers removable by governor -**
15 **Grounds.** The governor may remove from office any county commissioner, ~~clerk of the district~~
16 ~~court who is not an employee of the state judicial system~~, sheriff, coroner, county auditor,
17 register of deeds, state's attorney, county treasurer, superintendent of schools, county
18 commissioner, surveyor, public administrator, city auditor, city commissioner, mayor, chief of
19 police, deputy sheriff, or other police officer, township officer, rural fire protection district board
20 member, school board member, or any custodian of public moneys, except the state treasurer,
21 whenever it appears to the governor by competent evidence and after a hearing as provided in
22 this chapter, that the officer has been guilty of misconduct, malfeasance, crime in office, neglect
23 of duty in office, or of habitual drunkenness or gross incompetency.

24 **SECTION 75. AMENDMENT.** Section 46-04-05 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **46-04-05. (Effective January 1, 2003) Distribution of session laws, compilations,**
27 **and codifications to county officers.** The board of county commissioners of each county,
28 immediately after the publication of any session laws, codes, or compilations, shall cause a
29 copy thereof to be furnished to the following county officers:

- 30 1. Auditor.
31 2. State's attorney.

1 3. ~~Clerk~~ Ex officio clerk of court, ~~unless the clerk of court is an employee of the state~~
2 judicial system.

3 4. Sheriff.

4 If any of the offices legally have been combined in the county, only one copy of the session
5 laws, codes, or compilations need be furnished for the offices so combined. Provided,
6 however, that such codifications and copies of the session laws remain the permanent property
7 of the county.

8 **SECTION 76. AMENDMENT.** Section 47-18-08 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **47-18-08. (Effective January 1, 2001) Petition for appraisal - When filed.** A petition
11 for the appointment of appraisers of a homestead must be filed with the ~~clerk~~ register of the
12 ~~district court~~ deeds, unless the board of county commissioners designates a different official,
13 and a copy thereof, with notice of the time and place of hearing, served on the claimant at least
14 ten days before the hearing.

15 **SECTION 77. AMENDMENT.** Section 51-05.1-06 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **51-05.1-06. (Effective January 1, 2001) License list.** The public service commission
18 shall compile annually, by April first, a list of the names and addresses of those licensed under
19 this chapter. The list must be mailed to the ~~clerk~~ register of the district court ~~deeds, unless the~~
20 board of county commissioners designates a different official, in each county and must be held
21 ~~by the clerk of court~~ as a public record. The commission shall mail the list to any person
22 requesting it.

23 **SECTION 78. AMENDMENT.** Subsection 4 of section 54-40.4-05 of the 1997
24 Supplement to the North Dakota Century Code is amended and reenacted as follows:

25 4. One copy of the charter as ratified must be filed with the secretary of state, one
26 with the ~~clerk~~ register of district court ~~deeds, unless the board of county~~
27 commissioners designates a different official, for any affected county or city, and
28 one with the officer of unified county-city government responsible for maintaining
29 permanent records. Courts shall take judicial notice of the charter.

30 **SECTION 79. AMENDMENT.** Section 57-22-16 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **57-22-16. (Effective January 1, 2001) Procedure when personal property is about**
2 **to be sold or removed without payment of tax.** If a township, city, or county officer learns or
3 believes that there is danger that personal property which has been assessed and upon which
4 any personal property taxes are due or will be due, will be sold, or removed from the county,
5 without payment of the taxes and without leaving sufficient property to pay the whole of such
6 taxes, he shall report such fact to the sheriff, who forthwith shall collect the taxes, or distrain
7 and sell sufficient property to pay the same, if they are not paid on demand, or require an
8 undertaking from the owner in favor of the county treasurer, conditioned that all taxes levied
9 upon such property will be paid when due. Such undertaking must be approved by the ~~clerk~~
10 register of the district court deeds, unless the board of county commissioners designates a
11 different official. If the taxes involved have not been levied, they must be ascertained by the
12 county auditor by applying the aggregate mill levy of the previous year for the taxing district in
13 which the property is assessed to the current taxable valuation, and if, after the tax for the
14 current year is levied, there is any excess, it must be refunded to the taxpayer on order of the
15 board of county commissioners. In case a bond has been given, and the taxes are not paid
16 when due, the county treasurer shall bring an action for the taxes and costs in the district court
17 of the county, and the state's attorney shall represent the treasurer in such action on the bond.

18 **SECTION 80. AMENDMENT.** Section 57-22-32 of the 1997 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **57-22-32. (Effective January 1, 2001) Collection from tax debtor who moves to**
21 **another county - Duty of county auditor.** Upon the removal of a delinquent tax debtor from
22 the county, collection must be made from the debtor in the manner following:

- 23 1. In case of the removal of any delinquent tax debtor from the county in which the
24 debtor's personal property was taxed to any other county in this state, it is the duty
25 of the assessor immediately to make a proper effort to ascertain the place of the
26 debtor's destination and to report the same to the county auditor. Thereupon, the
27 county auditor shall make out and forward to the ~~clerk~~ register of the district court
28 deeds of the county to which the tax debtor has removed, unless the board of
29 county commissioners designates a different official of that county, a statement of
30 the amount of such delinquent taxes, including penalties and costs that may have
31 attached, specifying the value of property on which said taxes were levied.

1 2. On receipt of any such statement, the ~~clerk~~ register of the district court deeds, or
2 designated official, receiving the same shall issue a warrant to the sheriff of the
3 county, and such sheriff shall proceed immediately to collect the same in the
4 manner in which the sheriff collects delinquent taxes in the county. The sheriff
5 shall collect from the tax debtor an additional sum ~~as prescribed in subdivision e of~~
6 ~~subsection 1 of section 11-17-04 for each warrant~~ of ten dollars. Such sum must
7 be paid to ~~such clerk~~ the register of deeds, or designated official, as the fee for
8 issuing said warrant, and all taxes thus collected must be remitted by the sheriff to
9 the treasurer of the county to which the taxes belong, together with the original
10 statement of account, and if any taxes remain unpaid a statement must be made of
11 the reason therefor, and proper entries must be made on the tax lists of the county
12 where the tax was levied.

13 **SECTION 81. REPEAL.** Sections 11-17-02, 11-17-03, 11-07-08, 11-17-09, 11-17-10,
14 and 11-17-11 of the North Dakota Century Code are repealed.

15 **SECTION 82. REPEAL.** Sections 11-17-01, 11-17-05, and 11-17-06 of the North
16 Dakota Century Code and sections 11-17-04 and 11-17-07 of the 1997 Supplement to the
17 North Dakota Century Code are repealed.

18 **SECTION 83. EFFECTIVE DATE.** Sections 35, 36, 37, 38, 39, 44, 45, 46, 47, 48, 61,
19 62, 63, 64, 67, 68, 78, and 82 of this Act become effective January 1, 2001.