

**HOUSE BILL NO. 1244**

Introduced by

Representatives Boehm, Renner

Senator Tomac

1 A BILL for an Act to amend and reenact sections 18-10-01, 18-10-02, and 18-10-03,  
2 subsection 1 of section 18-10-04, sections 18-10-05, 18-10-11, and 57-15-26.3 of the North  
3 Dakota Century Code, relating to qualified electors in a rural fire protection district.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 18-10-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **18-10-01. Petition for establishment.** Whenever sixty percent of the freeholders  
8 ~~residing~~ in any rural territory, equivalent in area to one township or more, elects to form,  
9 organize, establish, equip, and maintain a rural fire protection district, they shall signify ~~such~~  
10 ~~that~~ intention by presenting to the county auditor of the county or counties in which ~~such the~~  
11 territory is situated, a petition setting forth the ~~desires and~~ purposes of ~~such the~~ petitioners.  
12 ~~Such The~~ petition must contain the full names and post-office addresses of ~~such the~~  
13 petitioners; the suggested name of the proposed district, the area in square miles [kilometers] to  
14 be included therein, and a complete description according to government survey, wherever  
15 possible, of the boundaries of the real properties intended to be embraced in the proposed rural  
16 fire protection district. The petitioners shall also present to the county auditor a plat or map  
17 showing the suggested boundaries of the proposed district and shall deposit with the county  
18 auditor a sum sufficient to defray the expense of publishing the notices required by sections  
19 18-10-02 and 18-10-03. ~~Provided, further, that any~~ Any city located within the area, whether  
20 ~~such the~~ city has a fire department or not, may be included in the rural fire district if sixty  
21 percent or more of the ~~qualified electors residing therein~~ freeholders of the city sign ~~such the~~  
22 petition.

23 **SECTION 2. AMENDMENT.** Section 18-10-02 of the North Dakota Century Code is  
24 amended and reenacted as follows:

1           **18-10-02. Petition - Hearing - Order.** Upon the filing of ~~such~~ the petition in the office  
2 of the county auditor, the county auditor shall determine and certify that ~~such~~ the petition has  
3 been signed by at least sixty percent of the freeholders in the proposed district as determined  
4 by whose names appear on the current tax schedules in the office of the county auditor ~~and~~  
5 ~~who appear to reside within the suggested boundaries of the proposed district.~~ The county  
6 auditor shall ~~thereafter~~ designate a time and place of ~~said~~ the petition to be heard by the board  
7 of county commissioners. Notice of ~~such~~ the hearing must be given by publication two weeks  
8 in a newspaper of general circulation in the county, the last publication appearing at least seven  
9 days ~~prior to said~~ before the hearing; ~~said.~~ The notice must be addressed to "all persons  
10 residing in or having any interest in real or personal property located within the following  
11 boundaries" and must include a statement of the proposed boundaries as set forth in the  
12 petition; ~~provided, that if.~~ If the proposed district is situated within two or more counties, the  
13 county auditor of the county wherein the largest number of petitioners have signed shall confer  
14 with the auditor or auditors of the other county or counties concerned and shall obtain a  
15 certificate as to the adequacy of the petitions pertaining to ~~said~~ the county or counties; ~~and~~  
16 ~~thereafter the.~~ The county auditor shall designate a time and place for a hearing before a joint  
17 meeting of the boards of county commissioners of all counties in which the proposed district is  
18 to be situated and shall give notice ~~thereof~~ of the hearing by publication in the manner  
19 hereinbefore provided. At the time and place so fixed, the board or boards of county  
20 commissioners shall meet, and all persons residing in or owning taxable property within the  
21 proposed district ~~shall~~ must have an opportunity to be heard respecting the formation of ~~such~~  
22 the district or the location of the boundaries thereof. ~~Thereupon the~~ The board or boards of  
23 county commissioners shall determine whether the proposed district is suited to the general fire  
24 protection policy of the county, or each of ~~such~~ the counties, as a whole, determine the  
25 boundaries of the proposed district, whether as suggested in the petition or otherwise, and  
26 make a written order of ~~such~~ the determination which must describe the boundaries of the  
27 district and be filed in the office of the county auditor or auditors of each county in which ~~such~~  
28 the district is situated.

29           **SECTION 3. AMENDMENT.** Section 18-10-03 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **18-10-03. Notice of hearing.** Following the filing of the order of the board of county  
2 commissioners, the county auditor shall designate a time and place for a public meeting of all  
3 electors ~~who are~~ and owners of any freehold interest in real ~~or personal~~ property assessed for  
4 taxation in the district ~~and who are residing within the boundaries of the district~~ as fixed by the  
5 order of the board of county commissioners. Notice of ~~such~~ the meeting must be given by  
6 publication two weeks in a newspaper of general circulation in the county, the last publication  
7 appearing at least seven days ~~prior to said~~ before the meetings; ~~said.~~ The notice must be  
8 addressed "to all electors ~~who are~~ and owners of any freehold interest in real ~~or personal~~  
9 property assessed for taxation ~~in the district and who are residing~~ within the following described  
10 boundaries" and must include a description of the boundaries of the district as set forth in the  
11 order of the board of county commissioners; ~~provided, that if.~~ If the proposed district is within  
12 two or more counties, the county auditor of the county in which the greater portion of the district  
13 is to be situated shall fix the time and place for the public meeting and ~~cause~~ publish notice  
14 ~~thereof to be published~~ of the meeting in each county in which the district is to be situated in the  
15 manner hereinbefore provided.

16           **SECTION 4. AMENDMENT.** Subsection 1 of section 18-10-04 of the North Dakota  
17 Century Code is amended and reenacted as follows:

18           1. At the time and place fixed by the county auditor for the public meeting as provided  
19 in section 18-10-03, the electors ~~who are~~ and the owners of any freehold interest in  
20 real ~~or personal~~ property assessed for taxation in the district ~~and who are residing~~  
21 ~~within the boundaries of the district shall have the opportunity to~~ may decide by  
22 majority vote of those present whether the organization of the district ~~shall~~ may be  
23 completed. Permanent organization must be effected by the election of a board of  
24 directors consisting of not less than five residents of the district, at least one of  
25 whom must reside or own a freehold interest in real property in and represent each  
26 township if the district includes more than one township. If the district is composed  
27 of more than seven townships, the board may elect to have only seven members,  
28 but no more than one member may be from any township.

29           **SECTION 5. AMENDMENT.** Section 18-10-05 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **18-10-05. Regular meeting to be held.** A regular meeting of the electors ~~who are~~ and  
2 owners of any freehold interest in real ~~or personal~~ property assessed for taxation in the district  
3 ~~and who are residing within the boundaries of a district~~ must be held in the first quarter of each  
4 calendar year and special meetings may be called by the board of directors at any time. Notice  
5 ~~thereof~~ of the meeting must be given by the secretary-treasurer by one publication in a legal  
6 newspaper of general circulation in each county in which ~~such~~ the district is situated. The  
7 meeting must be held not less than seven days nor more than fourteen days after the date of  
8 publication of ~~such~~ the notice.

9           **SECTION 6. AMENDMENT.** Section 18-10-11 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11           **18-10-11. Territory to be annexed.**

- 12           1. Any territory ~~which is~~ adjacent to the boundary of an existing rural fire protection  
13 district may be annexed to ~~such that~~ that district ~~in the manner hereinafter provided.~~
- 14           2. The proceedings for the annexation, ~~referred to in subsection 1,~~ may be initiated by  
15 the presentation to the auditor of a petition signed by sixty percent or more of the  
16 qualified electors ~~who are~~ and the owners of any freehold interest in real ~~or~~  
17 ~~personal~~ property assessed for taxation in the territory to be annexed ~~and who are~~  
18 ~~residing within the boundaries of such territory~~ stating the ~~desires and purposes of~~  
19 ~~such~~ the petitioners. The petition must contain a description of the boundaries of  
20 the territory proposed to be annexed. It must be accompanied by a map or plat  
21 and a deposit for publication costs.
- 22           3. The county auditor shall consult the tax schedules in the office of the county  
23 auditor and determine and certify whether ~~or not~~ ~~such~~ the petition complies with  
24 the requirements of subsection 2 ~~and that the qualified electors signing the same~~  
25 ~~appear to reside within the boundaries described by such petition. Thereafter, the.~~  
26 The county auditor shall forward ~~such~~ the petition, map or plat, and certificate to  
27 the board of directors of the district concerned.
- 28           4. Within thirty days after receiving the petition, map or plat, and certificate of the  
29 county auditor, ~~in accordance with subsection 3,~~ from the county auditor, ~~such~~ the  
30 board of directors shall transmit the same to the proper county board,  
31 accompanied by a report in writing approving or disapproving the proposal

1 contained in ~~said~~ the petition, or approving ~~such~~ the proposal in part and  
2 disapproving it in part.

3 5. If the report of the board of directors, ~~referred to in subsection 4~~, disapproves the  
4 proposal, the petition must be rejected. If the report is favorable to ~~such~~ the  
5 proposal, either in whole or in part, the board of county commissioners shall  
6 promptly designate a time and place for a hearing upon the petition and shall give  
7 notice ~~thereof~~ in the manner prescribed by section 18-10-02. At ~~such~~ the hearing,  
8 any person owning taxable property or residing within the boundaries of the  
9 existing district or the territory to be annexed ~~shall~~ must have the opportunity to be  
10 heard respecting the proposed annexation.

11 6. The board of county commissioners shall, at or shortly after the hearing ~~referred to~~  
12 ~~in subsection 5~~, determine whether ~~such~~ the territory should be annexed to the  
13 existing district and shall fix the boundaries of the territory to be annexed. The  
14 determination of the board of county commissioners must be set forth in a written  
15 order ~~which~~ that must describe the boundaries ~~determined upon~~ and must be filed  
16 in the office of the county auditor; ~~provided, that no.~~ No area may be annexed to  
17 an existing rural fire protection district contrary to the recommendation of the board  
18 of directors of ~~such~~ the existing district.

19 **SECTION 7. AMENDMENT.** Section 57-15-26.3 of the 1999 Supplement to the North  
20 Dakota Century Code is amended and reenacted as follows:

21 **57-15-26.3. General tax levy of fire protection districts.** A rural fire protection district  
22 may levy a tax in accordance with chapter 18-10 not exceeding five mills on the taxable  
23 valuation of property in the district except upon resolution adopted by the board of directors  
24 after receipt of a petition by not less than twenty percent of the qualified electors ~~residing and~~  
25 owners of any freehold interest in real property within the district, the levy may be made in an  
26 amount not exceeding thirteen mills.