

COUNTIES

CHAPTER 92

HOUSE BILL NO. 1065

(Political Subdivisions Committee)
(At the request of the Supreme Court)

AN ACT to amend and reenact subsection 2 of section 11-07-04, subsection 5 of section 11-10.2-03, subsection 3 of section 11-10.3-02, and sections 11-12-05, 11-16-10, 11-16-13, 40-02-16, and 44-02-05 of the North Dakota Century Code, relating to district judge involvement in determining county commissioner terms of office, appointing individuals to fill county commission vacancies, receiving written documents consenting to county reorganization plans, approving state's attorneys expenses, and appointing arbitrators for disputes between a township and a newly organized municipality; and to repeal sections 11-16-11 and 11-16-12 of the North Dakota Century Code, relating to state's attorney submission of a statement of expenses to a district judge.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 11-07-04 of the North Dakota Century Code is amended and reenacted as follows:

2. If the county previously elected county commissioners at large and the county has been divided into districts, those elected in districts designated by even numbers constitute one class and those elected in districts designated by odd numbers constitute the other class. If election of commissioners at large is necessary and the county previously was districted, classes of such commissioners must be determined by assigning a number to their respective offices according to the numerical total of the votes cast for them at the general election at which they were elected. The commissioners of one class elected in the first election held following a redistricting pursuant to this chapter hold office for two years and those of the other class hold office for four years. The determination of the two classes must be by lot so that one-half of the commissioners, as nearly as practicable, may be elected biennially. ~~A district judge serving the county~~An individual mutually agreed upon by the two classes of commissioners shall perform the lot in the presence of all of the newly elected commissioners affected by this subsection within thirty days after the date of the first general election following redistricting or election of commissioners at large, if required, and shall certify in writing the results of such lot to the county auditor within five days after its completion.

SECTION 2. AMENDMENT. Subsection 5 of section 11-10.2-03 of the North Dakota Century Code is amended and reenacted as follows:

5. A proposed plan may not diminish the future term of office, or redesignate an elected office as appointed, with respect to any person who, on August 1,

1993, holds an elected county office and continues to hold that specific office for future terms on an uninterrupted basis. This subsection does not apply after January 1, 2002, or if the person holding the affected office consents in writing to the proposed plan and ~~submits files~~ that written document prior to the scheduled implementation of the plan ~~to with the district judge serving the judicial district in which court for the county is located.~~

SECTION 3. AMENDMENT. Subsection 3 of section 11-10.3-02 of the North Dakota Century Code is amended and reenacted as follows:

3. A proposed plan may not diminish the future term of office, or redesignate an elected office as appointed, with respect to any person who, on August 1, 1993, holds an elected county office and continues to hold that specific office for future terms on an uninterrupted basis. This subsection does not apply after January 1, 2002, or if the person holding the affected office consents in writing to the proposed plan, and ~~submits files~~ that written document prior to the scheduled implementation of the plan ~~to with the district judge serving the judicial district in which the court for each county is located.~~

SECTION 4. AMENDMENT. Section 11-12-05 of the North Dakota Century Code is amended and reenacted as follows:

11-12-05. Commissioners for new districts appointed.

The members of the board of county commissioners, ~~a district judge serving the county,~~ and the county auditor shall meet immediately after the county has been redistricted and shall appoint one commissioner for each of the new districts. The commissioners hold office until their successors are elected and qualified.

SECTION 5. AMENDMENT. Section 11-16-10 of the North Dakota Century Code is amended and reenacted as follows:

11-16-10. Use of state's attorney's contingent fund.

The state's attorney, ~~with the consent and approval of a district judge in and for the state's attorney's county,~~ may incur expenses in securing evidence and investigating criminal cases, so far as is necessary, to the amount annually appropriated by the board of county commissioners to the state's attorney's contingent fund.

SECTION 6. AMENDMENT. Section 11-16-13 of the North Dakota Century Code is amended and reenacted as follows:

11-16-13. Warrants on state's attorney's contingent fund.

All disbursements from the state's attorney's contingent fund ~~shall~~must be made in the usual manner by the county treasurer upon the warrant of the county auditor. The auditor's warrant ~~shall~~must be executed and delivered in the amount and to the person designated by the order of the state's attorney, ~~and shall be countersigned by a judge of the district court for that county.~~

SECTION 7. AMENDMENT. Section 40-02-16 of the North Dakota Century Code is amended and reenacted as follows:

40-02-16. Arbitration of differences between township and newly organized municipality upon division of property and indebtedness.

If the officers of a township and of a municipality which has been organized from territory situated therein cannot agree upon the valuation of any real estate, or of any indivisible property which is held jointly, or upon the just apportionment of the joint indebtedness, the officers of the township or municipality, upon five days' notice of the time and place, may apply to the ~~district court serving the county in which the township or municipality is located~~ director of the office of administrative hearings for arbitration of such differences. Thereupon, the ~~district judge~~ director shall appoint three ~~freeholders~~ residents of the county, not residents or taxpayers of the municipality or township involved, to act as arbitrators. After being duly sworn to perform the duties imposed upon them, the arbitrators shall view and appraise the property and fix the valuation thereof for the purpose of making the division. If the property to be divided is personal property and no satisfactory arrangement can be made otherwise, it must be sold at public auction to the highest bidder, and the municipality and township may bid at the sale. The township and municipality involved in the arbitration shall share equally in the costs and expenses of the arbitration. The director of the office of administrative hearings shall request payment from the township and municipality and the township and municipality shall pay to the office of administrative hearings both the costs and expenses of the arbitration proceedings and the cost of the services provided by the arbitrators and the director of the office of administrative hearings.

SECTION 8. AMENDMENT. Section 44-02-05 of the North Dakota Century Code is amended and reenacted as follows:

44-02-05. Vacancy in board of county commissioners - How filled.

When a vacancy occurs in the board of county commissioners, the remaining members of the board, ~~with the district judge selected by the remaining county commissioners,~~ immediately shall appoint some suitable person to fill the vacancy from the district in which the vacancy occurred. If a majority of the officers fails to agree upon a person to fill the vacancy, the county treasurer or, if the county does not have an elected treasurer, another elective county officer must be called in and shall act as an additional member of the board to fill the vacancy. The appointee holds office until the appointee's successor is elected at the next general election that occurs at least sixty days after the vacancy and the successor has qualified.

SECTION 9. REPEAL. Sections 11-16-11 and 11-16-12 of the North Dakota Century Code are repealed.

Approved March 26, 2013

Filed March 27, 2013

CHAPTER 93

HOUSE BILL NO. 1177

(Representatives Drovdal, N. Johnson, Vigesaa)
(Senators J. Lee, Lyson, Warner)

AN ACT to amend and reenact section 2-06-06, subsection 7 of section 4.1-47-06, sections 11-09.1-02, 11-11.1-02, 11-28-02, and 11-33-05, subsection 1 of section 11-36-07, subsection 2 of section 11-37-05, sections 23-11-05 and 23-24-05, subsection 6 of section 23-35-03, section 40-23-02, subsection 3 of section 40-38-03, subsection 4 of section 50-01.1-04, and sections 50-01.2-02 and 61-04.1-25 of the North Dakota Century Code, relating to compensation of members of political subdivision boards and committees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2-06-06 of the North Dakota Century Code is amended and reenacted as follows:

2-06-06. Commissioners - Compensation - Meetings - Officers.

~~A commissioner of an authority may receive no compensation for services, but is entitled to the necessary expense, including traveling expenses, incurred in the discharge of the commissioner's duties.~~ Each commissioner shall hold office until the commissioner's successor has been appointed and has qualified. The certificates of the appointment and reappointment of commissioners must be filed with the authority. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.

The powers of each authority are vested in the commissioners thereof. A majority of the commissioners of an authority constitutes a quorum for the purpose of conducting business of the authority and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present.

There must be elected a chairman and vice chairman from among the commissioners. An authority may employ an executive director, secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the municipality or municipalities included in the authority or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

SECTION 2. AMENDMENT. Subsection 7 of section 4.1-47-06 of the North Dakota Century Code is amended and reenacted as follows:

7. The board of county commissioners shall establish the rate of compensation for county weed board members. Actual expenses incurred by board members may be reimbursed at the official reimbursement rates of the appointing authority.

SECTION 3. AMENDMENT. Section 11-09.1-02 of the North Dakota Century Code is amended and reenacted as follows:

11-09.1-02. Charter commission - Membership - Preparation and submission of charter - Compensation and expenses - Publication.

Within sixty days after proceedings have been initiated for a home rule charter, the board of county commissioners shall appoint a charter commission, comprised of at least five members, to draft the charter, unless a petition proposing a charter pursuant to section 11-09.1-01 prescribes the composition of the commission or the manner by which the composition of the commission is to be determined. The board shall designate one of the charter commission members as chairman of the charter commission. The board shall set the compensation and expenses of charter commission members. Actual expenses incurred by charter commission members may be reimbursed at the official reimbursement rates of the appointing authority. The board, from its general funds, may furnish the charter commission with office space, clerical help, supplies, and legal and other assistance. The charter commission shall hold at least one public hearing on the proposed charter and may use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the proposed charter. The commission shall prepare and submit the charter to the board of county commissioners within one year after appointment, unless the board allows additional time for submission of the charter. The charter must contain a list of county offices to be elected and any elected offices that will be eliminated or combined if the charter is adopted. The board of county commissioners shall publish the proposed charter once in the official newspaper of the county.

SECTION 4. AMENDMENT. Section 11-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

11-11.1-02. Members of the job development authority board of directors - Term of office - Oath - Expenses.

The members of the job development authority board of directors and the joint job development authority board of directors shall serve for a term of three years or until their successors are duly qualified. Terms of office begin on January first and must be arranged so that the terms of office of approximately one-third of the members expire on December thirty-first of each year. Each member of the board shall qualify by taking the oath provided for civil officers. The oath must be filed with the county auditor.

The board of directors shall annually elect members to serve as chairman, vice chairman, secretary, and treasurer. The board shall also select an executive committee with such powers and duties as may be delegated by the board. ~~Members may be reimbursed from funds available to the authority for mileage and expenses as provided in sections 44-08-04 and 54-06-09 but may not receive compensation for service.~~ The appointing authority shall establish the rate of compensation for the board members and actual expenses incurred by the members may be reimbursed at the official reimbursement rates of the appointing authority.

SECTION 5. AMENDMENT. Section 11-28-02 of the North Dakota Century Code is amended and reenacted as follows:

11-28-02. Eligibility for appointment - Term - Vacancy - Compensation.

Any resident citizen of the county, including county, city, and township officers, is eligible for appointment to the board of county park commissioners. Each appointed

county park commissioner shall hold office for a term of three years, or until a successor is appointed and qualified. Any vacancy in the board must be filled for the unexpired term by appointment by the board of county commissioners as soon as practicable. ~~Each member of the county park board is entitled to receive the same compensation for services for each day actually engaged in the performance of the duties of the office as that paid a county commissioner but not to exceed a total of twenty-four days in any one year, and is entitled to reimbursement for actual necessary expenses incurred in the performance of the member's duties. The appointing authority shall establish the rate of compensation for park commissioners and actual expenses incurred by the commissioners may be reimbursed at the official reimbursement rates of the appointing authority.~~ Unless otherwise agreed upon, the board of county park commissioners shall meet at the time of the regular meetings of the board of county commissioners upon the order of the chairman, and appointed members only are entitled to compensation for attendance at the concurrent meetings.

SECTION 6. AMENDMENT. Section 11-33-05 of the North Dakota Century Code is amended and reenacted as follows:

11-33-05. Meetings - Officers.

The commission shall meet within thirty days after its appointment and elect a chairman and other necessary officers from its membership. The commission may adopt rules and bylaws not inconsistent with the provisions of this chapter. A majority of the members of the commission shall ~~constitute~~ constitute a quorum. ~~Members of the commission may be compensated for their actual expenses in the same manner as members of the board of county commissioners. The board of county commissioners may also authorize payment of a sum not to exceed forty five dollars per day for time actually spent in transacting the business of the planning commission, in addition to any salaries members of the planning commission receive from any other source, from the state or county or any municipality. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.~~ The county auditor shall serve as secretary to the commission and shall keep all of the records and accounts of the commission.

SECTION 7. AMENDMENT. Subsection 1 of section 11-36-07 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~A commissioner of an authority may not receive compensation for services but is entitled to reimbursement of necessary expenses incurred in the discharge of duties. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.~~ Each commissioner shall hold office until a successor has been appointed and has qualified. The certificates of the appointment and reappointment of commissioners must be filed with the port authority.

SECTION 8. AMENDMENT. Subsection 2 of section 11-37-05 of the North Dakota Century Code is amended and reenacted as follows:

2. ~~A commissioner of a commerce authority may not receive compensation for services but is entitled to reimbursement of necessary expenses incurred in the discharge of duties at the rates provided in sections 44-08-04 and 54-06-09. The appointing authority shall establish the rate of compensation for~~

commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.

SECTION 9. AMENDMENT. Section 23-11-05 of the North Dakota Century Code is amended and reenacted as follows:

23-11-05. Commissioners of authority - Appointment, qualifications, tenure, compensation.

When the governing body of a city adopts a resolution declaring there is need for a housing authority, the governing body promptly shall notify the mayor of the adoption. Upon receiving the notice, the mayor shall appoint five persons as commissioners of the authority. When the governing body of a county adopts a resolution declaring there is need for a housing authority, the governing body shall appoint five persons as commissioners of the authority. The commissioners who are first appointed must be designated to serve for terms of one, two, three, four, and five years, respectively, from the date of appointment, and after that time each commissioner must be appointed for a term of office of five years except that all vacancies must be filled for the unexpired term. A commissioner shall hold office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner must be filed with the auditor of the city or county, as the case may be, and the certificate is conclusive evidence of the due and proper appointment of the commissioner. ~~A commissioner, other than one who is a county commissioner, may receive up to forty five dollars a day for each day necessarily devoted to the work of the office. The per diem compensation provided for in this section may not exceed six hundred dollars in any one fiscal year. A commissioner, other than one who is a county commissioner, also may be compensated for the necessary expenses, including travel expenses, incurred in the discharge of the commissioner's duties.~~The governing body of the city or county shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.

SECTION 10. AMENDMENT. Section 23-24-05 of the North Dakota Century Code is amended and reenacted as follows:

23-24-05. Board of commissioners - Composition - Appointment - Term of office - Vacancy - Compensation.

When an order of the council creating a vector control district has been filed in the office of the county auditor of a county in which the district or a part of the district is situated, a three-member board of commissioners of the vector control district must be appointed as provided by this section. Any resident freeholder in the district is eligible for appointment to the board of commissioners thereof. The term of commissioners first appointed must be determined by lot. One commissioner shall hold office for a term of two years, one shall serve for a term of three years, and one shall serve for a term of five years. The term of a commissioner commences on the date of appointment. If the office of a commissioner becomes vacant, the commissioner appointed to fill the vacancy shall serve the unexpired term of the member of the board of commissioners whom the new commissioner replaces. Any vacancy must be filled in the manner provided for original appointments. Appointments to the board of commissioners must be made by the board of county commissioners of the county containing the largest area of the vector control district. Any member of the board of commissioners may be removed upon a majority vote of the board of county commissioners that appoints members for the board of commissioners and the board of commissioners may be dissolved upon a majority

vote of the board of county commissioners that appoints the members for the board. Each member shall receive the sum of thirty dollars per day while performing duties as a member of the board, or a lesser sum as the board may determine, an allowance for meals and lodging as provided in section 44-08-04, and mileage expense reimbursement at the rate provided in section 54-06-09. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.

³⁴ **SECTION 11. AMENDMENT.** Subsection 6 of section 23-35-03 of the North Dakota Century Code is amended and reenacted as follows:

6. Any board member who is not a public employee may be compensated at a rate not exceeding sixty two dollars and fifty cents per day, but for no more than twenty-five days per year, and may be reimbursed for expenses incurred in the manner and in an amount not exceeding the amount provided for a state officer. The appointing authority shall establish the rate of compensation for board members and actual expenses incurred by board members may be reimbursed at the official reimbursement rates of the appointing authority.

SECTION 12. AMENDMENT. Section 40-23-02 of the North Dakota Century Code is amended and reenacted as follows:

40-23-02. Commissioners - Appointments subject to confirmation - Qualifications - Chairman - Compensation.

All appointments made to the special assessment commission shall be subject to the confirmation of the governing body. Upon appointment and confirmation, each commissioner shall file with the city auditor a written acceptance of the appointment and shall take and subscribe the oath required of other municipal officers, which shall be filed with the city auditor. The member of the commission having the shortest term to serve shall act as chairman. No member of the commission shall hold any other municipal office while serving as such member. Each member of the commission shall receive such suitable compensation for the member's services while actually engaged in the duties of the commission as determined by the governing body. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.

SECTION 13. AMENDMENT. Subsection 3 of section 40-38-03 of the North Dakota Century Code is amended and reenacted as follows:

3. A director is entitled to payment for mileage and travel expenses as provided for in sections 44-08-04 and 54-06-09. No other compensation may be paid or allowed to a director unless the governing body of the municipality or the board of county commissioners provides by ordinance or by resolution for the payment of compensation for members of the board of directors. The appointing authority shall establish the rate of compensation for directors and actual expenses incurred by directors may be reimbursed at the official reimbursement rates of the appointing authority.

SECTION 14. AMENDMENT. Subsection 4 of section 50-01.1-04 of the North Dakota Century Code is amended and reenacted as follows:

³⁴ Section 23-35-03 was also amended by section 3 of Senate Bill No. 2030, chapter 217.

4. ~~Each member of the governing board is entitled to receive forty five dollars per day, not to exceed forty five days in any calendar year, for each day necessarily spent in the performance of official duties. In addition, each member is entitled to be paid for mileage and actual expenses incurred in attending meetings and in the performance of official duties in the amounts provided by law for state officials. The appointing authority shall establish the rate of compensation for members of the governing board and actual expenses incurred by members may be reimbursed at the official reimbursement rates of the appointing authority.~~

SECTION 15. AMENDMENT. Section 50-01.2-02 of the North Dakota Century Code is amended and reenacted as follows:

50-01.2-02. Members of county social service board - Term of office - Oath - Compensation.

The members of the county social service board serve a term of three years or until their successors have duly qualified. Terms of office must be arranged so the term of office of one member expires in one year, the term of one-half the remaining members the next year, and the term of the remaining members the third year. Each member of the board qualifies by taking the oath provided for civil officers. The oath must be filed with the county auditor. ~~The members of the county social service board are entitled to receive, in addition to any salaries they receive from any other source, from the state or county or any municipality, a sum not to exceed forty five dollars per day for time actually spent in transacting the business of the board. The county shall reimburse members for expenses actually incurred in the performance of their official duties and for mileage at the legal rate for necessary travel. The appointing authority shall establish the rate of compensation for board members and actual expenses incurred by board members may be reimbursed at the official reimbursement rates of the appointing authority.~~

SECTION 16. AMENDMENT. Section 61-04.1-25 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-25. Commissioners - Compensation - Meetings - Officers.

~~A commissioner of a weather modification authority shall receive no compensation for services, but shall be entitled to the necessary expense, as defined in section 44-08-04, incurred in the discharge of the commissioner's duties. The appointing authority shall establish the rate of compensation for commissioners of a weather modification authority and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority. Each commissioner shall hold office until a successor has been appointed and has qualified. The certificates of appointment shall be filed with the weather modification authority.~~

The powers of each weather modification authority shall be vested in the commissioners thereof. A majority of the commissioners of an authority ~~shall constitute~~ constitutes a quorum for the purpose of conducting the business of the authority and exercising its powers and for all other purposes. ~~Although a majority of the commissioners shall constitute~~ constitutes a quorum, but action may not be taken by the authority except by an affirmative vote of not less than a majority of all the commissioners.

A chairman, vice chairman, and treasurer shall be elected from among the commissioners. A weather modification authority may employ an executive director,

secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the state's attorney of the county. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Minutes shall be kept by the secretary of official meetings and shall include all official business such as contracts authorized and all authorizations for payment of weather modification authority funds to persons, organizations, companies, corporations, and limited liability companies. All disbursements shall be approved by a majority of all the commissioners of an authority. Disbursements authorized by the authority for the payment of employee salaries, bills, contracts, services, fees, expenses, and all other obligations shall be made by check signed by the chairman and the treasurer of the authority. Official policies shall also be entered into the minutes. An annual report shall be compiled with complete disclosure of funds expended for contracts, services, fees, salaries, and all other reimbursements, a copy of which shall be filed with the county auditor. The annual report shall be presented at a public meeting called for such purpose.

Approved April 2, 2013

Filed April 2, 2013

CHAPTER 94**HOUSE BILL NO. 1371**

(Representatives Brabandt, Brandenburg, Rohr, Schmidt)
(Senator Erbele)

AN ACT to amend and reenact section 11-10-02.3 of the North Dakota Century Code, relating to the appointment of state's attorneys.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-10-02.3 of the North Dakota Century Code is amended and reenacted as follows:

11-10-02.3. Appointment of state's attorney upon voter approval.

Upon the submission to the board of county commissioners of a petition signed by ten percent or more of the total number of qualified electors of the county voting for governor at the most recent gubernatorial election or upon resolution of the board of county commissioners, the county auditor shall place the question of appointing the state's attorney on the ballot at the next ~~regular~~primary or general election, whichever occurs first. If a majority of the qualified electors of the county voting on the question approves the change from elective to appointive, the change is effective at the end of the term of office of the state's attorney holding office at the time of the election.

Approved April 2, 2013
Filed April 2, 2013

CHAPTER 95

HOUSE BILL NO. 1225

(Representatives Louser, Hanson, Wieland)

AN ACT to amend and reenact section 11-18-02.2 of the North Dakota Century Code, relating to property sales price disclosures.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-18-02.2 of the North Dakota Century Code is amended and reenacted as follows:

11-18-02.2. Statements of full consideration to be filed with state board of equalization or recorder - Procedure - ~~Secrecy of information~~ - Penalty.

1. Any grantee or grantee's authorized agent who presents a deed in the office of the county recorder shall certify on the face of the deed any one of the following:
 - a. A statement that the grantee has filed a report of the full consideration paid for the property conveyed with the state board of equalization.
 - b. A statement that the grantee has filed a report of the full consideration paid for the property conveyed with the recorder.
 - c. A statement of the full consideration paid for the property conveyed.
 - d. A statement designating one of the exemptions in subsection 7 which the grantee believes applies to the transaction.
2. Any party who presents an affidavit of affixation to real property of a manufactured home in the office of the county recorder in accordance with section 47-10-27 and who acquired the manufactured home before the affixation of the manufactured home to the real property shall either contain in or present in addition to the affidavit of affixation any one of the following:
 - a. A statement that the party has filed with the state board of equalization a report of the full consideration paid for the manufactured home before the affixation.
 - b. A statement that the party has filed with the recorder a report of the full consideration paid for the manufactured home before the affixation.
 - c. A statement of the full consideration paid by the party for the manufactured home before the affixation.
3. The recorder may not record any deed unless the deed contains one of the statements required by subsection 1 or record any affidavit of affixation unless the affidavit contains or is accompanied by one of the statements required by subsection 2.

4. The recorder shall accumulate and at least monthly forward to the state board of equalization a report containing the information filed in the recorder's office pursuant to subsection 1 or subsection 2.
5. The state board of equalization shall prescribe the necessary forms for the statements and reports to be used in carrying out this section, and the forms must contain a space for the explanation of special circumstances that may have contributed to the amount of the consideration.
6. For purposes of subsection 1, the word "deed" means an instrument or writing whereby any real property or interest therein is granted, conveyed, or otherwise transferred to the grantee, purchaser, or other person, except any instrument or writing that transfers any ownership in minerals or interests in minerals underlying land if that ownership has been severed from the ownership of the overlying land surface or any instrument or writing for the easement, lease, or rental of real property or any interest therein.
7. This section does not apply to deeds transferring title to the following types of property, or to deeds relating to the following transactions:
 - a. Property owned or used by public utilities.
 - b. Property classified as personal property.
 - c. A sale when the grantor and the grantee are of the same family or corporate affiliate, if known.
 - d. A sale that resulted as a settlement of an estate.
 - e. All sales to or from a government or governmental agency.
 - f. All forced sales, mortgage foreclosures, and tax sales.
 - g. All sales to or from religious, charitable, or nonprofit organizations.
 - h. All sales when there is an indicated change of use by the new owners.
 - i. All transfer of ownership of property for which is given a quitclaim deed.
 - j. Sales of property not assessable by law.
 - k. Agricultural lands of less than eighty acres [32.37 hectares].
 - l. A transfer that is pursuant to a judgment.
8. ~~The state board of equalization shall guard the secrecy of information contained on statements filed with the board under subsection 1 or subsection 2, and any information contained on statements and any information provided by local officials must be limited to data necessary to perform official duties and may not include the names of any grantors or grantees to deeds or of any parties to affidavits of affixation. Any reports made available to the public must be made in a manner that will not reveal the names of any grantors, grantees, or parties. The recorder shall guard the secrecy of information contained on reports filed in the recorder's office under subdivision b of subsection 1 or subdivision b of subsection 2.~~

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9. Any person that, in the statements provided for in subsection 1 or subsection 2, willfully falsifies the consideration paid for the transferred real property or the manufactured home, as applicable, or interest therein or that falsely certifies that the person has filed a report of full consideration with the state board of equalization is guilty of a class B misdemeanor.

Approved April 8, 2013

Filed April 8, 2013

CHAPTER 96

HOUSE BILL NO. 1339

(Representatives Hunskor, Froseth, D. Johnson, N. Johnson)
(Senators Andrist, Bowman, Dotzenrod)

AN ACT to amend and reenact section 11-28.2-02 of the North Dakota Century Code, relating to compensation of recreational service district board members.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-28.2-02 of the North Dakota Century Code is amended and reenacted as follows:

11-28.2-02. Meetings of recreation service districts - Election of board.

The first meeting of the recreation service district must be held within thirty days after the district is organized at a time and place designated by the board of county commissioners. At the meeting, the qualified voters, as defined in section 11-28.2-03, shall elect not less than five qualified voters of the district to serve as members of the board of recreation service district commissioners. Each member elected and qualified shall serve until the first annual meeting of the district. The voters of the district shall assemble and hold an annual meeting during the month of June of each year, at a time and place within the county designated by the board of recreation service district commissioners. In addition to the annual meeting, the board of recreation service district commissioners may call a special meeting of the voters of the district at the time and place the board selects. For any annual or special meeting, the board shall publish notice of the meeting not less than fifteen days before the meeting in the official county newspaper of the county in which the district is located and the notice must be mailed to property owners of the district as recorded in the county treasurer's office in which the district is located not less than fifteen days before the meeting. No fewer than five qualified voters of the district must be elected to serve on the board of recreation service district commissioners at the annual meeting. Each member elected shall serve a term of three years, until a successor is elected and qualified. The term of each member must be established so that the terms of approximately one-third of the members terminate each year. The members of the board are entitled to receive compensation in an amount of no more than ~~twenty-five one hundred~~ one hundred dollars per meeting of the board, as determined by the board.

Approved March 27, 2013

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