

APPROPRIATIONS

CHAPTER 802

HOUSE BILL NO. 1670
(Wagner)

(Approved by the Committee on Delayed Bills)

RECONVENED LEGISLATIVE ASSEMBLY

AN ACT to appropriate money for the expenses of the legislative branch of government for the reconvened forty-seventh legislative assembly; and declaring an emergency.

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

SECTION 1. APPROPRIATION FOR THE LEGISLATIVE ASSEMBLY. There are hereby appropriated out of the general fund in the state treasury, not otherwise appropriated, to the legislative branch of state government, for the purpose of defraying the expenses of the reconvened forty-seventh legislative assembly during the period beginning with the effective date of this Act and ending June 30, 1983, the sums set forth as follows:

Salaries and wages	\$ 10,571
Operating expenses	87,122
Total	<u>\$ 97,693</u>

SECTION 2. TRANSFERS. The director of the office of management and budget and the state treasurer shall make such transfers of funds between line items, upon request of the chairman of the legislative council or his designee, upon a finding by the chairman or his designee that such transfers are required for the legislative assembly to carry on its functions and duties.

SECTION 3. ADDITIONAL EXPENSES. Expenses incurred by the legislative assembly relating to the reconvened forty-seventh legislative assembly, in excess of the amounts appropriated in this Act, may be paid from any other appropriations available to the forty-seventh legislative assembly.

SECTION 4. EMERGENCY. This measure is hereby declared to be an emergency measure and shall be in full force and effect immediately upon its passage and approval.

Approved November 20, 1981

ELECTIONS

CHAPTER 803

HOUSE BILL NO. 1675

(Koski, Conmy)

(Approved by the Committee on Delayed Bills)

POLITICAL AD SPONSOR DISCLOSURE

AN ACT to create and enact a new section to chapter 16.1-10 of the North Dakota Century Code, relating to disclosure of the sponsor of certain political advertisements; and to declare an emergency.

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

SECTION 1. A new section to chapter 16.1-10 of the 1981 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

CERTAIN POLITICAL ADVERTISEMENTS TO DISCLOSE NAME OF SPONSOR. Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, or by any other public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, must disclose at the bottom of the advertisement the name or names of the sponsor or sponsors of the advertisement, and the name or names of the person, persons, associations, or partnerships paying for the advertisement. If the name of an association or partnership is used, the disclaimer shall also include the name of the chairman or other responsible person from the association or partnership. The name or names of the person, persons, associations, or partnerships paying for any radio or television broadcast containing any advertising announcement for or against any candidate for public office must be announced at the close of the broadcast. If the name of an association or partnership is used, the disclaimer shall also include the name of the chairman or other responsible person from the association or partnership. This section does not apply to campaign buttons.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved November 20, 1981

STATE GOVERNMENT

CHAPTER 804

SENATE BILL NO. 2440
(Legislative Council)

(Approved by the Committee on Delayed Bills)

LEGISLATIVE APPORTIONMENT

AN ACT to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to state legislative apportionment and the staggering of terms of senators; to amend and reenact sections 11-07-04, 16.1-03-17, and 54-03-01.5 of the North Dakota Century Code, relating to the election of county commissioners, party reorganization after redistricting, and legislative apportionment requirements; to repeal section 54-03-01.6, relating to state legislative apportionment; to provide for temporary nonapplication of section 16.1-03-17; to declare legislative intent; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 11-07-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-07-04. COMMISSIONERS' TERMS OF OFFICE - STAGGERED TERMS.

1. When redistricting is completed or if failure to redistrict requires at-large election of commissioners as provided in section 11-07-03, all commissioners then holding office ~~shall continue in such office until the next general election~~ who will be elected in the same manner, either from districts or at large, as they were elected at the last election shall complete the remainder of that term of office. However, an election must be held at the next general election in any district where redistricting places two or more holdover commissioners in that district or leaves a district without a commissioner residing in the district. In those counties retaining the same method of electing county commissioners as that utilized prior to a decennial, or other, redistricting, elections shall continue on a staggered basis in accordance with the same classes in force prior to the effective date of a redistricting under this chapter. At the first general election following redistricting of the

county or election of commissioners at large, if required, as provided in this chapter, all the county commissioner offices held by commissioners whose terms would end in the month of January following that general election shall be open for election. The newly-elected commissioners shall be divided into two classes--if the county has been redistricted, those elected in commissioners' districts designated by even numbers shall constitute one class, and those elected in commissioners' districts designated by odd numbers shall constitute the other class--if election of commissioners at large is required, classes of such commissioners shall 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 under the provisions of this chapter shall hold office for two years and those of the other class shall hold office four years--The determination of the two classes shall be by lot so that one-half of the commissioners, as nearly as practicable, may be elected biennially--The county judge shall perform the lot in the presence of all of the newly-elected commissioners 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 performance.

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 shall constitute one class and those elected in districts designated by odd numbers shall constitute the other class. If election of commissioners at large is necessary and the county previously was districted, classes of such commissioners shall 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 shall hold office for two years and those of the other class shall hold office for four years. The determination of the two classes shall be by lot so that one-half of the commissioners, as nearly as practicable, may be elected biennially. The county judge 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. Section 16.1-03-17 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-03-17. POLITICAL PARTY REORGANIZATION AFTER APPORTIONMENT BY ~~NONLEGISLATIVE DIRECTION~~. If apportionment of the legislative assembly ~~is accomplished by means other than action by the legislative assembly and the apportionment~~ becomes effective after the organization of political parties as provided in this chapter and before the primary or the general election, the secretary of state shall establish a timetable for the reorganization of the parties as rapidly as possible before the ensuing election. When the timetable is established, the secretary of state shall notify all the county auditors of the timetable and of the details of the legislative apportionment as it affects each county. The secretary of state or county auditor may not require reorganization of precincts in which boundaries are unchanged after apportionment by the board of county commissioners or the governing body of the city pursuant to chapter 16.1-04. Each county auditor shall publish ~~notice~~ in the official county newspaper, which a notice shall contain containing:

1. A statement that legislative apportionment has occurred.
2. A description and a map of the new legislative districts and the precincts as established by the governing bodies of the counties and cities in the county, pursuant to section 16.1-04-01.
3. The date, time, and places of the precinct caucuses and district committee meetings determined by the secretary of state and the county auditor to be necessary according to the new districts and precincts established.

The political parties, in the newly established precincts and districts, shall then proceed to reorganize as closely as possible in conformance with this chapter and in conformance with the timetable established by the secretary of state.

SECTION 3. ESTABLISHING TIMETABLE FOR 1982 ELECTIONS. The secretary of state shall, in carrying out the provisions of section 16.1-03-17 for the 1982 elections, establish the timetable for reorganization of the political parties so that the reorganization is completed by February 1, 1982.

SECTION 4. TEMPORARY NONAPPLICATION OF SECTION 16.1-03-17. Section 16.1-03-17 is not to be construed to require the state committee of a party to reorganize for the 1982 elections.

SECTION 5. AMENDMENT. Section 54-03-01.5 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-01.5. LEGISLATIVE APPORTIONMENT REQUIREMENTS. A legislative apportionment plan based on any census taken after 1979 shall meet the following requirements:

1. The senate shall consist of ~~forty-eight~~ forty-seven to fifty-two ~~fifty-three~~ members and the house shall consist of ~~ninety-six~~ ninety-four to one hundred ~~four~~ six members.
2. Except as provided in subsection 3, one senator and two representatives shall be apportioned to each senatorial district. Representatives may be elected at large or from subdistricts. Subdistricts are authorized only upon two-thirds vote by the elected members of the senate and house when adopting an apportionment plan.
3. Multimember senate districts providing for two senators and four representatives are authorized only when a proposed single member senatorial district includes a federal facility or federal installation, containing over ~~three-fourths~~ two-thirds of the population of the proposed single member senatorial district. No subdistricts may be included in any multimember senate district.
4. Legislative districts and subdistricts shall be compact and of contiguous territory except where impracticable in multimember senatorial districts.
5. Legislative districts shall be as nearly equal in population as is practicable. Population deviation from district to district shall be kept at a minimum. The total population variance of all districts, and subdistricts if created, from the average district population may not exceed recognized constitutional limitations.

SECTION 6. A new section to chapter 54-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

STATE LEGISLATIVE APPORTIONMENT. Each legislative district is entitled to one senator and two representatives. The fortieth and fiftieth legislative districts and the seventeenth and eighteenth legislative districts are combined and each of the two combined districts is entitled to two senators and four representatives elected at large. The legislative districts of the state shall be formed as follows:

1. The first legislative district shall consist of that part of the city of Williston and that part of Williston township in Williams County bound by a line commencing at the intersection of sixteenth avenue and the centerline of twenty-sixth street, thence east on an extended line which follows section lines east to Lake Sakakawea, thence south on the western shore of Lake Sakakawea until its intersection with the centerline of the Burlington

northern railway right of way, thence west on the burlington northern railway right of way to the city limits, thence south following the city limits until its intersection with the centerline of the dakota parkway, thence north on dakota parkway until its intersection with an extended centerline of sixteenth avenue, thence north on sixteenth avenue to the point of beginning.

2. The second legislative district shall consist of all of Williams County except that portion contained in the first legislative district; and all of Divide County except that portion contained in the fourth district.
3. The third legislative district shall consist of all of Ward County except that portion contained in the fifth, fortieth, fiftieth, and forty-first legislative districts; and all of Renville County.
4. The fourth legislative district shall consist of Mountrail and Burke Counties; and Border, Coalfield, Mentor, and Stoneview townships in Divide County.
5. The fifth legislative district shall consist of that part of the city of Minot bound by a line commencing at a point where an extended centerline of central avenue intersects the west city limits, thence east on central avenue until its intersection with the centerline of sixteenth street, thence north on sixteenth street until its intersection with fourth avenue northwest, thence east on fourth avenue northwest until its intersection with the centerline of tenth street, thence north on tenth street until its intersection with the centerline of fourth avenue northwest, thence east on fourth avenue northwest until its intersection with the centerline of north Broadway, thence south on north Broadway until its intersection with the centerline of the burlington northern railway right of way, thence east on the burlington northern railway right of way until its intersection with the centerline of third street, thence south on third street until its intersection with the centerline of eleventh avenue southeast, thence east on eleventh avenue southeast until its intersection with the city limits, thence southerly on a line following the city limits to the point of beginning.
6. The sixth legislative district shall consist of all of Bottineau County; and Bantry, Deep River, Deering, Denbigh, Egg Creek, Gilmore, Granville, Grilley, Kottke Valley, Layton, Little Deep, Meadow, Mouse River, Normal, Norwich, Pratt, Riga, Rose Hill, Saline, Wagar, and Willow Creek townships and unorganized townships 158-76, 157-76, and 157-75 in McHenry County.

7. The seventh legislative district shall consist of Pierce County; and all of McHenry County except that portion contained in the sixth district.
8. The eighth legislative district shall consist of McLean County.
9. The ninth legislative district shall consist of Rolette County.
10. The tenth legislative district shall consist of Cavalier and Towner Counties; and Adams, Dewey, Kinloss, Silvesta, and Tiber townships in Walsh County.
11. The eleventh legislative district shall consist of Pembina County; and Dundee, Farmington, Glenwood, Lampton, Martin, and Saint Andrews townships in Walsh County.
12. The twelfth legislative district shall consist of Benson and Eddy Counties; and Chain Lakes, Coulee, and Pelican townships in Ramsey County.
13. The thirteenth legislative district shall consist of the cities of West Fargo, Riverside, and Reile's Acres, part of the city of Fargo, and parts of Barnes and Reed townships in Cass County bound by a line commencing at the intersection of the centerline of county road twenty with the centerline of interstate highway twenty-nine, thence west on county road twenty until its intersection with the west line of Reed township, thence south on the west line of Reed township to the southwest corner of said township, thence continuing south on the west line of Barnes township to the southwest corner of said township, thence east on the south line of Barnes township until its intersection with the section line parallel to and three miles east of the west line of Barnes township, thence north on said section line until its intersection with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four until its intersection with the centerline of interstate highway twenty-nine, thence north on interstate highway twenty-nine to the point of beginning.
14. The fourteenth legislative district shall consist of all of Foster and Wells Counties.
15. The fifteenth legislative district shall consist of all of Ramsey County except for those portions contained in the twelfth district.
16. The sixteenth legislative district shall consist of all of Walsh County except for those portions contained in the tenth and eleventh districts.

17. and 18. The seventeenth and eighteenth legislative districts are combined. This combined district shall consist of that area of land lying within the boundaries of the Grand Forks air force base (such area being attached to the city of Grand Forks by that land lying in the right of way of United States highway two); and that part of Grand Forks township and that part of the city of Grand Forks bound by a line commencing at the point where the centerline of United States highway two intersects the centerline of forty-second street, thence west on United States highway two until its intersection with the Grand Forks city limits (Grand Forks international airport boundary), thence north and west following the city limit boundary until its intersection with the centerline of the burlington northern railway right of way, thence southeast on the burlington northern railway right of way until its intersection with the centerline of twenty-seventh avenue north, thence east on twenty-seventh avenue north until its intersection with the Grand Forks city limits, thence north following the city limit boundary until its intersection with the centerline of the Red River, then south on the Red River until its intersection with the south boundary of Grand Forks township, thence west following the township boundary until its intersection with the centerline of washington street, thence north on washington street until its intersection with the centerline of forty-seventh avenue south, thence east on forty-seventh avenue south until its intersection with the centerline of cherry street, thence north on cherry street until its intersection with the centerline of twenty-fourth avenue south, thence west on twenty-fourth avenue south until its intersection with the centerline of tenth street, thence north on tenth street until its intersection with the centerline of fifteenth avenue south, thence east on fifteenth avenue south until its intersection with the centerline of ninth street, thence north on ninth street until its intersection with the centerline of fourth avenue south, thence west on fourth avenue south until its extended centerline intersects the intersection of washington street and the burlington northern railway right of way, thence north on washington street until its intersection with the centerline of gateway drive, thence west on gateway drive to the point of beginning.
19. The nineteenth legislative district shall consist of all of Grand Forks County except those portions contained in the seventeenth, eighteenth, twentieth, forty-second, and forty-third legislative districts.
20. The twentieth legislative district shall consist of Traill County; and Allendale, Americus, Bentru, Fairfield, Michigan, Union, and Walle townships in Grand Forks County.

21. The twenty-first legislative district shall consist of that part of the city of Fargo bound on the north by the forty-fourth legislative district and the forty-fifth legislative district, on the east by the centerline of the Red River, on the west by the centerline of interstate highway twenty-nine, and on the south by a line commencing at the intersection of the centerline of interstate highway twenty-nine with the extended centerline of fifth avenue south, thence east on fifth avenue south until its intersection with the centerline of south university drive, thence south on south university drive until its intersection with the centerline of tenth avenue south, thence east on tenth avenue south extended until its intersection with the centerline of the Red River.
22. The twenty-second legislative district shall consist of all of Cass County except those portions contained in the thirteenth, twenty-first, forty-fourth, forty-fifth, forty-sixth, and fifty-first legislative districts.
23. The twenty-third legislative district shall consist of Griggs, Nelson, and Steele Counties.
24. The twenty-fourth legislative district shall consist of all of Barnes County except for those portions contained in the twenty-eighth legislative district.
25. The twenty-fifth legislative district shall consist of Abercrombie, Antelope, Brandenburg, Center, Devillo, Dwight, Fairmount, Greendale, Ibsen, LaMars, Mooreton, Nansen, Summit, and Waldo townships in Richland County.
26. The twenty-sixth legislative district shall consist of Sargent County; and all of Dickey County except those portions contained in the twenty-eighth legislative district; and Aliceton, Sydna, and Rosemeade townships in Ransom County.
27. The twenty-seventh legislative district shall consist of all of Ransom County except those portions contained in the twenty-sixth legislative district; and all of Richland County except those portions contained in the twenty-fifth legislative district.
28. The twenty-eighth legislative district shall consist of LaMoure County; and Binghampton, Greenland, Meadow Lake, Nelson, Norma, Oakhill, Raritan, Rosebud, Skandia, Spring Creek, Svea, and Thordenskjold townships in Barnes County; and Albertha, Albion, Elm, German, Grand Valley, Hamburg, Lorraine, Northwest, Potsdam, Spring Valley, Whitestone, and Young townships in Dickey County; and Bryant, Dixon, Finn, Glendale, Gutschmidt, Haag, Janke, Kroeber, and Sealy townships, and townships 136-68, 136-69, 136-70,

136-71, 135-68, 135-69, 135-70, 134-68, 134-69, 134-70, 133-68, 133-69, and 133-70 in Logan County.

29. The twenty-ninth legislative district shall consist of that part of the city of Jamestown bound on the north by the centerline of the burlington northern railway right of way, and on the east, south, and west by the city limits; the city of Cleveland; and Alexander, Bloomenfield, Chicago, Corwin, Cusator, Flint, Germania, Griffin, Homer, Lenton, Lippert, Manns, Montpeller, Moon Lake, Newbury, Peterson, Saint Paul, Severn, Sharlow, Sinclair, Stirton, Streeter, Sydney, Winfield, Woodbury, and Ypsilanti townships in Stutsman County.
30. The thirtieth legislative district shall consist of Emmons and McIntosh Counties; and all of Logan County except those portions contained in the twenty-eighth legislative district; and Missouri, Telfer, Morton, Long Lake, and Wild Rose townships in Burleigh County.
31. The thirty-first legislative district shall consist of Kidder and Sheridan Counties; and all of Burleigh County except for those portions contained in the thirtieth, thirty-second, forty-seventh, forty-ninth, and fifty-second legislative districts.
32. The thirty-second legislative district shall consist of that part of the city of Bismarck and the adjacent unorganized territory bound by a line commencing at the intersection of the centerline of the burlington northern railway right of way and the centerline of the Missouri River, thence southeast on the burlington northern railway right of way until its intersection with the centerline of airport road, thence south on airport road until its intersection with the centerline of the airport expressway, thence west on the airport expressway until its intersection with the centerline of wachter avenue, thence west on wachter avenue until its intersection with the centerline of washington street, thence south on washington street until its intersection with the centerline of the storm drain at the northeast corner of section seventeen of township 138-80, thence southwest along the storm drain until it flows into a stream channel and to the center of the main channel of the Missouri River, thence north on the Missouri River to the point of beginning.
33. The thirty-third legislative district shall consist of Mercer and Oliver Counties.
34. The thirty-fourth legislative district shall consist of part of the city of Mandan and the adjacent unorganized area bound by a line commencing at a point where the centerline of county road one hundred thirty-eight

intersects the west boundary of township 138-81, thence a line north on section lines until its intersection with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four until its intersection with the centerline of mandan avenue, thence south on mandan avenue until its intersection with the centerline of the burlington northern railway right of way, thence west on the burlington northern railway right of way until its intersection with the centerline of highway one thousand eight hundred six, thence south on highway one thousand eight hundred six until its intersection with the centerline of county road eighty-one, thence south on county road eighty-one until its intersection with the centerline of county road one hundred thirty-eight, thence west on county road one hundred thirty-eight to the point of beginning.

35. The thirty-fifth legislative district shall consist of Grant, Hettinger, and Sioux Counties.
36. The thirty-sixth legislative district shall consist of Dunn and McKenzie Counties.
37. The thirty-seventh legislative district shall consist of that part of the city of Dickinson and adjacent unorganized territory west of the city bound by a line commencing at the point where the centerline of Broadway intersects the east city limits, thence west on Broadway until its intersection with the centerline of state avenue, thence north on state avenue until its intersection with the centerline of the interstate highway ninety-four business loop, thence northwest on the interstate highway ninety-four business loop until its intersection with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four until its intersection with the city limits, thence north on a line following section lines until its intersection with the north boundary of section twenty-eight of township 140-96, thence east on a line following section lines until its intersection with the east boundary of section twenty-seven of township 140-96, thence south on a line following section lines until its intersection with the city limits, thence east following a line along the city limits to the point of beginning.
38. The thirty-eighth legislative district shall consist of all of Stark County except for those portions contained in the thirty-seventh legislative district.
39. The thirty-ninth legislative district shall consist of Adams, Billings, Bowman, Golden Valley, and Slope Counties.

40. and 50. The fortieth and fiftieth legislative districts are combined. This combined district shall consist of Burlington, Eureka, Harrison, Tatman, and Waterford townships in Ward County; and all of the city of Minot except for those portions contained in the fifth and forty-first legislative districts.
41. The forty-first legislative district shall consist of Nedrose and Surrey townships in Ward County; and the portion of the city of Minot bound by a line commencing at a point where the centerline of north Broadway intersects the north city limits, thence south on north Broadway until its intersection with the centerline of the Burlington Northern Railway right of way, thence east on the Burlington Northern Railway right of way until its intersection with the centerline of Third Street, thence south on Third Street until its intersection with the centerline of Eleventh Avenue Southeast, thence east on Eleventh Avenue Southeast until its intersection with the city limits, thence easterly on a line following the city limits to the point of beginning. The noncontiguous parts of Harrison township east of Minot within these bounds shall not be part of the forty-first district.
42. The forty-second legislative district shall consist of that part of the city of Grand Forks bound by a line commencing at a point where the centerline of Gateway Drive intersects with the centerline of forty-second street, thence east on Gateway Drive until its intersection with the centerline of Washington Street, thence south on Washington Street until its intersection with the centerline of the Burlington Northern Railway right of way, thence west on the Burlington Northern Railway right of way until its intersection with the centerline of forty-second street, thence north on forty-second street to the point of beginning.
43. The forty-third legislative district shall consist of part of the city of Grand Forks and part of Grand Forks township commencing at the point where the centerline of forty-second street intersects the centerline of the Burlington Northern Railway right of way, thence south on forty-second street until its intersection with the centerline of seventeenth avenue south, thence east on seventeenth avenue south until its intersection with the centerline of Columbia Road, thence south on Columbia Road until its intersection with the centerline of twentieth avenue, thence east on twentieth avenue until its intersection with the centerline of twentieth street, thence south on twentieth street until its intersection with the centerline of thirty-second avenue south, thence east on thirty-second avenue south until its intersection with the centerline of Washington Street, thence south on Washington Street until its intersection with the

- centerline of forty-seventh avenue south, thence east on forty-seventh avenue south until its intersection with the centerline of cherry street, thence north on cherry street until its intersection with the centerline of twenty-fourth avenue south, thence west on twenty-fourth avenue south until its intersection with the centerline of tenth street, thence north on tenth street until its intersection with the centerline of fifteenth avenue south, thence east on fifteenth avenue south until its intersection with the centerline of ninth street, thence north on ninth street until its intersection with the centerline of fourth avenue south, thence west on fourth avenue south until its extended centerline intersects the intersection of washington street and the burlington northern railway right of way, thence west on the burlington northern railway right of way to the point of beginning.
44. The forty-fourth legislative district shall consist of that part of the city of Fargo in Cass County bound by a line commencing at the intersection of the extended centerline of thirty-second avenue north with the centerline of the Red River, thence west on thirty-second avenue north until its intersection with the centerline of Broadway, thence south on Broadway until its intersection with the centerline of twelfth avenue north, thence west on twelfth avenue north until its intersection with the centerline of tenth street north, thence south on tenth street north until its intersection with the centerline of eleventh avenue north, thence west on eleventh avenue north until its intersection with the centerline of north university drive, thence south on north university drive until its intersection with the centerline of the burlington northern railway right of way, thence easterly on the burlington northern railway right of way until its intersection with the centerline of Broadway, thence north on Broadway until its intersection with the centerline of seventh avenue north, thence east on seventh avenue north until its intersection with the centerline of oak street, thence north on oak street until its intersection with the centerline of ninth avenue north, thence east on ninth avenue north extended until its intersection with the centerline of the Red River, thence northerly on the Red River to the point of beginning.
45. The forty-fifth legislative district shall consist of the city of North River, that part of the city of Fargo, Fargo township, and that part of Reed township in Cass County bound by a line commencing at the intersection of the extended centerline of thirty-second avenue north with the centerline of the Red River, thence west on thirty-second avenue north until its intersection with the centerline of Broadway, thence south on Broadway until its intersection with the centerline of twelfth avenue north, thence west

on twelfth avenue north until its intersection with the centerline of tenth street north, thence south on tenth street north until its intersection with the centerline of eleventh avenue north, thence west on an extended line of eleventh avenue north until its intersection with the centerline of the burlington northern railway right of way, thence northwesterly on the burlington northern railway right of way until its intersection with the centerline of twelfth avenue north, thence west on twelfth avenue north until its intersection with the centerline of interstate highway twenty-nine, thence north on interstate highway twenty-nine until its intersection with the north line of Reed township, thence east on the north line of Reed township until its intersection with the centerline of the Red River, thence southerly on the Red River to the point of beginning.

46. The forty-sixth legislative district shall consist of Stanley township in Cass County, part of Barnes township in Cass County, and part of the city of Fargo bound by a line commencing at the intersection of the extended centerline of seventeenth avenue south with the centerline of the Red River, thence west on seventeenth avenue south until its intersection with the centerline of south university drive, thence north on south university drive until its intersection with the centerline of fifteenth avenue south, thence west on fifteenth avenue south until its intersection with the centerline of seventeenth street south, thence south on seventeenth street south until its intersection with the centerline of seventeenth avenue south, thence west on seventeenth avenue south until its intersection with the centerline of twenty-fifth street south, thence south on twenty-fifth street south extended until its intersection with the centerline of interstate highway ninety-four, thence west on interstate highway ninety-four until its intersection with the section line parallel to and three miles east of the west line of Barnes township, thence south on the section line until its intersection with the south line of Barnes township, thence west on the south line of Barnes township to the southwest corner of said township, thence south on the west line of Stanley township to the southwest corner of said township, thence east on the south line of Stanley township until its intersection with the centerline of the Red River, thence northerly on the Red River to the point of beginning.
47. The forty-seventh legislative district shall consist of that part of the city of Bismarck and that part of Hay Creek township bound by a line commencing at the intersection of the northern boundary of Hay Creek township and the centerline of United States highway eighty-three, thence south on United States highway eighty-three into the city of Bismarck where it is also

known as state street, thence south on state street until its intersection with the centerline of divide avenue, thence west on divide avenue until its intersection with the centerline of washington street, thence south on washington street until its intersection with the centerline of the burlington northern railway right of way, thence northwest on the burlington northern railway right of way until its intersection with the centerline of the Missouri River, thence north on the Missouri River until its intersection with the northern boundary of Hay Creek township, thence east along the northern boundary of Hay Creek township to the point of beginning.

48. The forty-eighth legislative district shall consist of all of Stutsman County except for those portions contained in the twenty-ninth legislative district.
49. The forty-ninth legislative district shall consist of that part of the city of Bismarck and that part of Hay Creek township bound by a line connecting at the intersection of the northern boundary of Hay Creek township and the centerline of United States highway eighty-three, thence south on United States highway eighty-three into the city of Bismarck where it is also known as state street, thence south on state street until its intersection with the centerline of divide avenue, thence west on divide avenue until its intersection with the centerline of washington street, thence south on washington street until its intersection with the centerline of avenue c, thence east on avenue c until its intersection with the centerline of eighteenth street, thence north on an extended line of eighteenth street until its intersection with the centerline of the boulevard, thence east on a straight line to the intersection of the centerlines of valley view avenue and twenty-sixth street, thence north on a line straight until its intersection with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four until its intersection with the eastern boundary of Hay Creek township, thence north and west on the Hay Creek township boundary to the point of beginning.
51. The fifty-first legislative district shall consist of that part of the city of Fargo bound on the north by the twenty-first legislative district, on the east by the centerline of the Red River, on the west by the centerline of interstate highway twenty-nine, and on the south by a line commencing at the intersection of the centerline of interstate highway twenty-nine with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four until its intersection with the extended centerline of twenty-fifth street south, thence north on twenty-fifth street south until its intersection with the centerline of seventeenth avenue south, thence

east on seventeenth avenue south until its intersection with the centerline of seventeenth street south, thence north on seventeenth street south until its intersection with the centerline of fifteenth avenue south, thence east on fifteenth avenue south until its intersection with the centerline of south university drive, thence south on south university drive until its intersection with the centerline of seventeenth avenue south, thence east on seventeenth avenue south extended until its intersection with the centerline of the Red River.

52. The fifty-second legislative district shall consist of the part of the city of Bismarck, part of Hay Creek township, the city of Lincoln, and adjacent unorganized territory bound by a line commencing at the intersection of the eastern boundary of Hay Creek township and the centerline of interstate highway ninety-four, thence south on the section line until its intersection with the Missouri River except for an offset along the city limits of Lincoln so as to include the city, thence north on the Missouri River until its intersection with the southern boundary of the thirty-second legislative district, thence northeast on the center of the stream channel and the storm drain which flows into it until its intersection with washington street at the northeast corner of section seventeen of township 138-80, thence north on washington street until its intersection with the centerline of wachter avenue, thence east on wachter avenue until its intersection with the centerline of airport expressway, thence north on airport expressway until its intersection with the centerline of airport road, thence north on airport road until its intersection with the centerline of the burlington northern railway right of way, thence west on the burlington northern railway right of way until its intersection with the centerline of washington street, thence north on washington street until its intersection with the centerline of avenue c, thence east on avenue c until its intersection with the centerline of eighteenth street, thence north on an extended line of eighteenth street until its intersection with the centerline of the boulevard, thence east on a straight line to the intersection of the centerlines of valley view avenue and twenty-sixth street, thence north on a straight line until its intersection with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four to the point of beginning. The noncontiguous parts of Apple Creek township within these bounds shall not be part of the fifty-second district.
53. The fifty-third legislative district shall consist of all of Morton County except for those portions contained in the thirty-fourth legislative district.

SECTION 7. A new section to chapter 54-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

STAGGERING OF THE TERMS OF SENATORS. Senators from odd-numbered districts shall be elected in 1982 for a term of four years. Each senator from an even-numbered district shall be elected in 1984 for a four-year term, except a senator in an even-numbered district with new geographic area which area was not in that senator's district for the 1980 election and which new geographic area has a 1980 population which is more than two thousand, shall be elected in 1982 for a two-year term. Based on this criteria, districts two, eighteen, twenty-four, thirty-eight, forty-four, forty-six, and fifty-two shall elect senators in 1982.

The two senators for the combined seventeenth and eighteenth districts shall be elected in 1982, one for a term of four years and one for a term of two years. For any election in that multisenate district in which both seats are to be filled, all papers indicating the office sought, including any certificate of endorsement, filing petition, certificate of nomination, ballot, or certificate of election, must also indicate the term sought.

SECTION 8. LEGISLATIVE INTENT. The legislative assembly considered in devising the state apportionment plan that, during the decade of the 1970's, North Dakota's population increased by 34,903. The area southwest of the Missouri River gained 10,990, the Bismarck districts gained 12,127, and the Fargo districts gained 13,184 for a total increase of 36,301 in these three growth areas. These three areas account for all the state's net population growth and the growth in each area is remarkably close to being the size of one district. By adding one new district in each area and not eliminating any districts elsewhere, most rural districts require very little change. Any number of districts other than 53 would require major changes in most of the state. The legislative assembly has also attempted to devise a plan: which keeps districts compact and of contiguous territory except where impracticable in multimember senatorial districts; in which no district crosses the Missouri River; which keeps the total population variance of all districts within recognized constitutional limits; and which maintains political subdivision boundaries where possible. It is the intent of the legislative assembly that the senate continue, as has generally been done since statehood, to elect approximately one-half of its members at each general election. Thus, those senators elected in 1980 for terms of four years are allowed to serve out their terms unless there is substantial population (over two thousand persons) in areas added. Districts two, eighteen, twenty-four, thirty-eight, forty-four, forty-six, and fifty-two are the only districts reflecting such increases in population.

It is the intent of the legislative assembly that although this Act is effective from and after its passage and approval the legislators elected under the past redistricting plan shall serve until this Act can be implemented.

In North Dakota, incorporated cities and organized townships occupy mutually exclusive territory. For purposes of legal descriptions, unless cities are otherwise specifically named, townships encompass all the territory within their outer boundaries.

Any reference in the legal descriptions to city limits as a boundary line refers to the limits as they existed January 1, 1980, as shown on the 1980 census maps. A district boundary using city limit lines does not migrate as the city limits migrate.

SECTION 9. REPEAL. Section 54-03-01.6 of the North Dakota Century Code is hereby repealed.

SECTION 10. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved November 20, 1981

TAXATION

CHAPTER 805

HOUSE BILL NO. 1671

(Kloubec)

(Approved by the Committee on Delayed Bills)

ASSESSMENT OF PLATTED AGRICULTURAL LAND

AN ACT to amend and reenact subsection 11 of section 57-02-01 and section 57-02-27 of the North Dakota Century Code, relating to the definition of "agricultural property" and to the assessment of platted agricultural land; to provide limitations for the administration of this Act for 1981; to provide an effective date; and to declare an emergency.

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

SECTION 1. AMENDMENT. Subsection 11 of section 57-02-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11. "Agricultural property" means unplatted lands which are used for raising agricultural crops or grazing farm animals but shall not include platted, except lands platted and assessed as agricultural property prior to March 30, 1981, shall continue to be assessed as agricultural property until put to a use other than raising agricultural crops or grazing farm animals.

* SECTION 2. AMENDMENT. Section 57-02-27 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-02-27. PROPERTY TO BE ASSESSED AT A PERCENTAGE OF FULL VALUE - CLASSIFICATION OF PROPERTY - LIMITATION ON ASSESSMENT OF ANNEXED AGRICULTURAL LANDS. All property subject to taxation based on the value thereof shall be assessed as follows:

1. All residential property to be assessed at nine percent of true and full value. If any property is used for both residential and nonresidential purposes, the assessment shall be prorated accordingly.

* NOTE: Section 57-02-27 was also amended by section 4 of House Bill No. 1674, chapter 806.

2. All agricultural property to be assessed at ten percent of true and full value as determined pursuant to section 57-02-27.2.
3. All commercial and railroad property to be assessed at ten percent of true and full value.
4. All centrally assessed property, except railroad property, to be assessed at fourteen percent of true and full value for the 1981 property tax year, thirteen percent of true and full value for the 1982 property tax year, twelve percent of true and full value for the 1983 property tax year, eleven percent of true and full value for the 1984 property tax year, and ten percent of true and full value for all property tax years beginning on or after January 1, 1985.

The resulting amounts shall be known as the assessed valuation. In determining the true and full value of real and personal property, except agricultural property, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price at which said property would sell at auction, or at forced sale, or in the aggregate with all the property in the town or district, but he shall value each article or description by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract, or lot of real property, there shall be determined the value of the land, exclusive of improvements, and the value of all taxable improvements and structures thereon, and the aggregate value of the property, including all taxable structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell for at a fair voluntary sale for cash. Agricultural lands within the corporate limits of a city which are not platted shall constitute agricultural property and be so classified and valued for ad valorem property tax purposes until such lands are put to another use. Agricultural lands, whether within the corporate limits of a city or not, which were platted and assessed as agricultural property prior to March 30, 1981, shall be assessed as agricultural property for ad valorem property tax purposes until put to another use. Such valuation shall be uniform with the valuation of adjoining unannexed agricultural land.

SECTION 3. LIMITATION ON ADMINISTRATION OF ACT FOR 1981. An assessment made for 1981 on platted land may be changed as provided in this Act only if the owner of the platted land files an application for abatement pursuant to chapter 57-23. County auditors and other taxing officials shall not compute tax bills or take any other action for 1981 as a result of this Act except as is necessary to grant abatements.

SECTION 4. EFFECTIVE DATE. The provisions of this Act shall be effective for all taxable years beginning on or after January 1, 1981, but if this Act does not become effective before January 1, 1982, the provisions of this Act shall be effective for all taxable years beginning on or after January 1, 1982.

SECTION 5. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved November 20, 1981

CHAPTER 806

HOUSE BILL NO. 1674

(Representative Dan Olson)

(Senators Lips, Lodoen)

(Approved by the Committee on Delayed Bills)

"ASSESSED VALUATION" DEFINED

AN ACT to create and enact a new subsection to section 57-02-01 of the North Dakota Century Code, relating to the definition of assessed valuation; to amend and reenact subsection 2 of section 15-60-03, subsection 4 of section 21-03-01, sections 57-02-27, 57-02-28, and 57-55-04 of the North Dakota Century Code, relating to the value of property for purposes of taxation and for determining indebtedness limitations of political subdivisions, the basis for the computation of taxes, and the taxation of mobile homes; to provide limitations; to provide an effective date; and to declare an emergency.

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

SECTION 1. AMENDMENT. Subsection 2 of section 15-60-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The board shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any other school districts. No obligations or debts of the board shall be deemed to be obligations of the state or any other school districts, and the state or any other school districts shall not be liable for the payment of principal or interest on such obligations. The board shall at no time enter into any contract with a school district under the provisions of this chapter, unless such school district is at that time annually levying a sufficient mill levy which the board has determined will provide for repayment of the contracted loan within twenty years after the initial payment from the state school construction fund to the school district, but a school district shall not borrow more than thirty percent of the taxable valuation of the district from the fund and shall not be permitted to levy less than ten mills for the maintenance of a building fund. The levy required by this section for repayment must be maintained over the life of

the contract with the board, and the school district must have at the time of the loan an existing indebtedness to the maximum limit permitted by law. In determining whether a school district has an existing indebtedness to the maximum limit permitted by law for purposes of this section, the value of taxable property means twice the net taxable value of all taxable property in the school district rather--than-six-times-such-value-as-provided-in subsection 4 of section 21-03-01.

SECTION 2. AMENDMENT. Subsection 4 of section 21-03-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. "Value of taxable property" or "the assessed valuation" of a municipality shall mean six-times-the-net the assessed value of all taxable property in such municipality as determined pursuant to section--57-02-28;--provided,--that these--terms--may-never-mean-more-than-market-value-of-the property chapter 57-02.

SECTION 3. A new subsection to section 57-02-01 of the 1981 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Assessed valuation" means fifty percent of the true and full value of property.

* SECTION 4. AMENDMENT. Section 57-02-27 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-02-27. PROPERTY TO BE ASSESSED VALUED AT A PERCENTAGE OF FULL ASSESSED VALUE - CLASSIFICATION OF PROPERTY - LIMITATION ON ASSESSMENT VALUATION OF ANNEXED AGRICULTURAL LANDS. All property subject to taxation based on the value thereof shall be assessed valued as follows:

1. All residential property to be assessed valued at nine percent of true-and-full assessed value. If any property is used for both residential and nonresidential purposes, the assessment valuation shall be prorated accordingly.
2. All agricultural property to be assessed valued at ten percent of true-and--full assessed value as determined pursuant to section 57-02-27.2.
3. All commercial and railroad property to be assessed valued at ten percent of true-and-full assessed value.
4. All centrally assessed property, except railroad property, to be assessed valued at fourteen percent of true-and-full assessed value for the 1981 property tax year, thirteen percent of true-and--full assessed value for the 1982

* NOTE: Section 57-02-27 was also amended by section 2 of House Bill No. 1671, chapter 805.

property tax year, twelve percent of ~~true--and--full~~ assessed value for the 1983 property tax year, eleven percent of ~~true--and--full~~ assessed value for the 1984 property tax year, and ten percent of ~~true--and--full~~ assessed value for all property tax years beginning on or after January 1, 1985.

The resulting amounts shall be known as the assessed taxable or net assessed valuation. In determining the ~~true-and-full~~ assessed value of real and personal property, except agricultural property, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price at which said property would sell at auction, or at forced sale, or in the aggregate with all the property in the town or district, but he shall value each article or description by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract, or lot of real property, there shall be determined the value of the land, exclusive of improvements, and the value of all taxable improvements and structures thereon, and the aggregate value of the property, including all taxable structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell for at a fair voluntary sale for cash. Agricultural lands within the corporate limits of a city which are not platted shall constitute agricultural property and be so classified and valued for ad valorem property tax purposes until such lands are put to another use. Such valuation shall be uniform with the valuation of adjoining unannexed agricultural land.

SECTION 5. AMENDMENT. Section 57-02-28 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-02-28. BASIS FOR COMPUTATION OF TAX. The value of all property subject to a general property tax, ~~not-exempted-by-law--nor subject--to--any--gross--sales--or--other--lieu--tax,--to--be--used--in--the computation--of--the--tax--levied--for--the--payment--of--any--bonded--or improvement--warrant--indebtedness--shall--be--the--assessed--valuation thereof,--but--the--net--value--of--such--property~~ to be used in the computation of all ~~other~~ taxes levied thereon shall be fifty-percent of the assessed valuation thereof and the resulting amount shall be known--as--the its taxable or net assessed valuation as computed pursuant to section 57-02-27. ~~Assessors and boards of review shall assess--and--return--all--taxable--property--at--its--assessed--valuation, and--the--county--auditor,--after--equalization--by--the--state--board--of equalization,--shall--make--the--computation--necessary--to--ascertain--said fifty-percent--value.~~

SECTION 6. AMENDMENT. Section 57-55-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-55-04. TAXES - HOW DETERMINED - DISBURSEMENT. The tax for each mobile home shall be determined by the director of tax equalization by placing an evaluation on such mobile home based upon its ~~true-and-fair~~ assessed value and by adjusting the valuation of the mobile home by the percentage provided in section 57-02-27 to determine its assessed taxable valuation pursuant to standards and guides as determined by the state tax commissioner and applying such evaluation to the preceding year's total mill levies applying to property within the taxing district wherein the mobile home is located. If a mobile home is acquired or moved into this state during the calendar year, and a tax decal has not been previously issued on such mobile home in this state for such year, the tax shall be determined by computing the remaining number of months of the current year to the nearest full month and multiplying such number by one-twelfth of the amount which would be due for the full year. The taxes collected pursuant to the provisions of this chapter shall be disbursed in the same year they are collected and in the same manner as real estate taxes for the preceding year are disbursed.

SECTION 7. LIMITATIONS. The definition of "assessed valuation" in section 3 of this Act shall not apply to sections 4-16-02, 11-11-24, 11-29-05, 23-14-11, 23-18-01, 23-18-02, 23-18-03, 24-05-01, 40-48-07, 40-55-08, subsections 20 and 22 of section 57-02-08, and section 57-02-08.1, and the meaning of the term "assessed valuation" in these sections is the meaning of such term prior to the enactment of this Act.

SECTION 8. EFFECTIVE DATE. The provisions of this Act shall be effective for assessments of property made on or after January 1, 1982.

SECTION 9. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved November 20, 1981

CHAPTER 807

HOUSE BILL NO. 1672

(Representatives Strinden, Olafson, A. Olson)

(Senators Tallackson, Vosper)

(Approved by the Committee on Delayed Bills)

"ANNUAL GROSS RETURN" DEFINED

AN ACT to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to the valuation and assessment of agricultural lands; to provide an effective date; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 57-02-27.2 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-02-27.2. VALUATION AND ASSESSMENT OF AGRICULTURAL LANDS. "True and full value" of agricultural lands shall be their agricultural value for the purposes of sections 57-02-27, 57-02-27.1, 57-02-27.2, and 57-55-04. Agricultural value shall be defined as the "capitalized average annual gross return". The "annual gross return" shall be determined from crop share rent, cash rent, or a combination thereof reduced by estimated property taxes and crop marketing expenses incurred by farmland owners renting their lands on a cash or crop share basis. For purposes of this section, "annual gross return" for cropland used for growing crops other than sugar beets and potatoes means thirty percent of annual gross income produced, "annual gross return" for cropland used for growing sugar beets and potatoes means twenty percent of annual gross income produced, and "annual gross return" for land used for grazing farm animals means fifty percent of an amount determined to represent the annual gross income potential of the land which would be produced if the land were used for the growing of hay. The "average annual gross return" for each county shall be determined as follows:

1. Take the annual gross returns for the most recent six years immediately preceding the current year for which data is available and discard the highest and lowest annual gross returns of the six.

2. Of the four annual gross return figures remaining, determine the sum of the following:
 - a. Four times the annual gross return figure for the greatest figure; plus,
 - b. Three times the annual gross return figure for the second greatest figure; plus,
 - c. Two times the annual gross return figure for the third greatest figure; plus,
 - d. The annual gross return figure for the smallest figure.
3. Divide the figure arrived at in subsection 2 by ten.

To find the "capitalized average annual gross return" for years after 1983, the average annual gross return shall be capitalized by a five-year average of the gross federal land bank mortgage rate of interest for North Dakota. The five-year average shall be computed from the most recent five years of the six years used in subsection 1 and the gross federal land bank mortgage rate of interest for each year shall be determined in the manner provided in section 20.2032A-4(e)(1) of the United States treasury department regulations for valuing farm real property for federal estate tax purposes, except that the interest rate shall not be adjusted as provided in paragraph (e)(2) of section 20.2032A-4. To find the "capitalized average annual gross return" for 1981, 1982, and 1983, the average annual gross return shall be capitalized at seven and one-half percent.

It shall be the duty of the agricultural economics department of North Dakota state university to compute annually an estimate of the average agricultural value per acre [.40 hectare] of agricultural lands on a statewide and on a countywide basis and to provide the tax commissioner with this information by December first of each year. Prior to January first of each year the tax commissioner shall provide to each county director of tax equalization this estimate of agricultural value for each county.

Prior to February first of each year the county director of tax equalization in each county shall provide to all assessors within the county an estimate of the average agricultural value of agricultural lands within each assessment district. Such estimate shall be based upon the average agricultural value for the county adjusted by the relative values of lands within each assessment district compared to the county average. In determining the relative value of lands for each assessment district compared to the county average, the county director of tax equalization shall, wherever possible, use soil type and soil classification data from detailed and general soil surveys. Where such data cannot be used, the county director of tax equalization shall use whatever previous assessment data is best suited to the purpose.

It shall be the duty of each local assessor to determine the relative value of each assessment parcel within his jurisdiction and to determine the agricultural value of each assessment parcel by adjusting the agricultural value estimate for the assessment district by the relative value of the parcel. Each parcel shall then be assessed according to the provisions in section 57-02-27. If either a local assessor or a township board of equalization develops an agricultural value for the lands in its assessment district differing substantially from the estimate provided by the county director of tax equalization, written evidence to support the change shall be provided to the county director of tax equalization.

SECTION 2. EFFECTIVE DATE. The provisions of this Act shall be effective for taxable years 1982 and 1983 and shall thereafter be of no effect.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved November 20, 1981

CHAPTER 808

HOUSE BILL NO. 1673
(Representative O. Hanson)
(Senator Sorum)

(Approved by the Committee on Delayed Bills)

FUEL TAX DISTRIBUTION TO TOWNSHIPS

AN ACT to amend and reenact section 57-50-01 of the North Dakota Century Code, relating to nonrefunded motor vehicle fuel and special fuel tax distributions to townships; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 57-50-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-01. REFUND OF TAX PROVIDED FOR - REDUCTION FOR AGRICULTURALLY DERIVED ALCOHOL MOTOR VEHICLE FUEL TAX FUND. Any person who shall buy or use any motor vehicle fuel as defined in subsection 2 of section 57-54-03, for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the state of North Dakota on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time hereinafter provided, the amount of such tax paid by him upon the presentation to and the approval of the tax commissioner of a claim for refund. Provided, however, the amount of the tax refund provided for in this section shall be reduced by one-eighth cent per gallon [3.79 liters], and the one-eighth cent per gallon [3.79 liters] withheld from the refund shall be deposited in the agriculturally derived alcohol motor vehicle fuel tax fund. Those persons who have a valid tax assignment permit issued by the state tax commissioner under the provisions of section 57-50-11.1 shall be charged one-eighth cent per gallon [3.79 liters] by the dealer and the one-eighth cent charge shall be remitted to the state tax commissioner by the dealer when the dealer submits the tax assigned invoices for credit. Those aviation gasoline fuel taxes collected, upon which no refund is claimed and those revenues remaining as unclaimed refunds under the provisions of the statutory refunds on aviation gasoline and aviation motor fuels are hereby appropriated, in accordance with the time limitations as provided by law, and used exclusively for construction, reconstruction, repair, maintenance, and operation of small landing strips near highways and communities

in this state and for the purchase of necessary land required therefor and shall be administered and expended by the state of North Dakota aeronautics commission for the above purpose.

The refunds provided under this section from July 1, 1981, through June 30, 1983, for all fuels taxed under chapters 57-52 and 57-54, except those fuels used in aircraft or with respect to refunds claimed under section 57-50-05, shall be reduced by one cent per gallon [3.79 liters]. This one cent per gallon [3.79 liters] not refunded during the period July 1, 1981, through June 30, 1983, shall be transferred to township road and bridge funds or to the appropriate county fund in the case of unorganized townships. Each township, or county in the case of unorganized townships, shall receive a sum based upon the proportionate number of miles [kilometers] of township roads within the organized or unorganized township as compared with the total number of miles [kilometers] of township roads in the state. These funds are to be used for the construction or maintenance of township roads and may not be used to purchase road building or road maintenance equipment. ~~No township, or county in the case of unorganized townships, shall receive any funds under this section unless that township is levying, for the current budget year, at least ninety-five percent of the mill levies authorized by law. If a township is not levying at the ninety-five percent level, the moneys to which they would be entitled under this section shall instead be deposited by the state treasurer in the highway tax distribution fund.~~ The state treasurer may adopt rules, pursuant to chapter 28-32, necessary to the administration of this allocation to townships during the 1981-1983 biennium.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved November 20, 1981

HOUSE RESOLUTION

CHAPTER 809

HOUSE RESOLUTION NO. 1
(Knudson, Martin)

LEGISLATIVE EMPLOYEE RECOVERY

A resolution wishing Janna Tjaden a speedy recovery from her illness.

WHEREAS, Janna Tjaden served the Forty-seventh Legislative Assembly, prior to its reconvening in continued session, as Bill Clerk, and performed her duties faithfully and well; and

WHEREAS, Janna also served as a Desk Page in 1979 and as Enrolling and Engrossing Clerk in 1977 and 1975; and

WHEREAS, the members of the House of Representatives of the Forty-seventh Legislative Assembly appreciated her services, and miss them during the continued session of the Forty-seventh Legislative Assembly; and

WHEREAS, Janna has been struggling with illness for a good part of the time since the close of the first portion of the Forty-seventh Legislative Assembly; and

WHEREAS, Janna is presently hospitalized at the University of Minnesota Hospital in Minneapolis;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

That all members of the House of Representatives wish Janna Tjaden a speedy and complete recovery; and also wish to take this opportunity to say that they miss her; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the House send an enrolled copy of this resolution to Janna Tjaden.

Filed November 18, 1981

HOUSE CONCURRENT RESOLUTIONS

CHAPTER 810

HOUSE CONCURRENT RESOLUTION NO. 3085
(Wagner)

(Approved by the Committee on Delayed Bills)

LEGISLATIVE HEARINGS ON BLOCK GRANTS

A concurrent resolution authorizing the Budget Section of the Legislative Council to hold required legislative hearings on state plans for the receipt and expenditure of block grants under the Omnibus Budget Reconciliation Act of 1981 as passed by Congress in July 1981.

WHEREAS, the Congress of the United States enacted the Omnibus Budget Reconciliation Act of 1981 (H.R. 3982) on July 29, 1981, thus creating several categories of "block" grant programs; and

WHEREAS, several of the provisions of the Omnibus Budget Reconciliation Act of 1981 require "public hearings" or require "the legislature of the State [to conduct] . . . public hearings"; and

WHEREAS, any requirements for legislative public hearings will need to be accomplished prior to the commencement of federal fiscal year 1983 which commences on October 1, 1982; and

WHEREAS, the North Dakota Legislative Assembly will not be meeting in regular session during calendar year 1982 and thus must delegate its public hearing responsibility to a legislative entity;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Budget Section of the Legislative Council is hereby authorized to hold such public legislative hearings as may be required for the receipt of block grant or other federal moneys under the Omnibus Budget Reconciliation Act of 1981 or other relevant federal statutes; and

BE IT FURTHER RESOLVED, that the Budget Section authority granted by this resolution shall be in effect during the period November 23, 1981, through November 30, 1982, and the Budget Section shall utilize such methods and procedures for holding such hearings and giving notice thereof as it deems appropriate; and

BE IT FURTHER RESOLVED, that a copy of this resolution, once enrolled, be presented by the Secretary of State to the chairman of the interim Budget Section of the North Dakota Legislative Council.

Filed November 19, 1981

CHAPTER 811

HOUSE CONCURRENT RESOLUTION NO. 3086

(Representative Timm)

(Senator Erickson)

(Approved by the Committee on Delayed Bills)

RAILROAD BRANCLINE ABANDONMENT

A concurrent resolution expressing to Congress the concern of the Forty-seventh Legislative Assembly over the abandonment of railroad branch lines in North Dakota by the Burlington Northern Railroad Company and urging Congress to restrict the abandonment of railroad branch lines to only those lines which place a clear and substantial burden on the railroad.

WHEREAS, the Burlington Northern Railroad Company filed a system diagram map with the State of North Dakota and the Interstate Commerce Commission indicating it intends to abandon 425 miles of railroad branch line in North Dakota in the next three years and is studying an additional 786 miles which it believes will be the subject of future abandonment applications; and

WHEREAS, the railroad branch lines the Burlington Northern intends to abandon serve 127 North Dakota communities with 134 licensed country grain elevators and numerous other businesses; and

WHEREAS, the State of North Dakota is the nation's leading agricultural producer of hard red spring wheat, durum wheat, barley, flax, and sunflowers, and is a major producer of other agricultural commodities such as rye, dry edible beans, and potatoes; and

WHEREAS, agricultural products are vitally important for domestic consumption and as major export commodities in the nation's balance of trade; and

WHEREAS, North Dakota is a landlocked state dependent on rail transportation to move its agricultural products long distances to the major markets and ports in the nation; and

WHEREAS, the abandonment of railroad branch lines requires agricultural products be transported greater distances from farm to market locations over Township, County, State, and Federal roadways not designed for such additional traffic; and

WHEREAS, the transportation of agricultural products over greater distances from farm to market locations lowers producer net

income and increases the cost of road construction and maintenance; and

WHEREAS, the abandonment of railroad branch lines places country elevators and other businesses located on those branch lines at a competitive disadvantage resulting in business bankruptcies, investment losses, tax base losses, and reduced country grain market competition; and

WHEREAS, the abandonment of a railroad branch line and the loss of business enterprises resulting from the abandonment of the branch lines have a serious negative impact on the small communities served by the branch lines; and

WHEREAS, many of the railroad branch lines the Burlington Northern Railroad Company intends to abandon produce revenue in excess of the avoidable costs of operating the branch line;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Forty-seventh Legislative Assembly expresses to the United States Congress its concern over the abandonment of railroad branch lines in North Dakota by the Burlington Northern Railroad Company and urges the United States Congress to restrict the abandonment of railroad branch lines to only those lines which place a clear and substantial burden on the railroad; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to each member of the North Dakota Congressional Delegation.

Filed November 19, 1981

CHAPTER 812

HOUSE CONCURRENT RESOLUTION NO. 3087
(Representative Martinson)
(Senator Thane)

LEGISLATIVE EMPLOYEES

A concurrent resolution providing and designating House and Senate employees during the continued Forty-seventh Legislative Assembly and authorizing their compensation; and authorizing employment and compensation of any needed additional employees.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That for and during the continued Forty-seventh Legislative Assembly which convened on Monday, November 16, 1981, the following named persons are employees of the House and Senate and shall be paid those daily wages authorized by House Concurrent Resolution No. 3014 for the duration of the continued session:

SENATE

Leo Leidholm, Secretary of the Senate
Doris McMahon, Desk Reporter
Vernon Asheim, Assistant Secretary of the Senate
Sandra Boehler, Bill Clerk
Olger Sandven, Sergeant-at-Arms (Supply)
Al Jacobsen, Assistant Sergeant-at-Arms (Page)
Jeri Kurle, Page
Jan Mumma, Committee Clerk
Michelle Mushik, Stenographer
Maryann Brown, Telephone Attendant
Mary Schmidt, Minority Leader's Secretary
Lois Scherr, Majority Leader's Secretary
Kenneth Harlow, Journal Proofreader
Kathryn Keiser, Journal Proofreader

HOUSE

Roy Gilbreath, Chief Clerk of the House
Barb Middaugh, Desk Reporter
Skip Sjothun, Assistant Chief Clerk
Gladys Derrick, Bill Clerk
Dave Hillesland, Sergeant-at-Arms (Supply)
Edgar Beyers, Assistant Sergeant-at-Arms (Page)

Bob Porter, Desk Page
Renaë Doan, Chief Page
Brad Fay, Page
Eileen Schneider, Committee Clerk
Phyllis Johnson, Stenographer
Eileen Giese, Stenographer
Flo Feland, Telephone Attendant
Betty Perkins Johnson, Speaker's Secretary
Arlene Haunson, Minority Leader's Secretary
Mavis Patchen, Majority Leader's Secretary
Susan Lawrence, Journal Proofreader
Carolyn Twingley, Journal Proofreader
Joe Emineth, Janitor
Dick Lang, Janitor
Jacob Kramer, Janitor

BE IT FURTHER RESOLVED, that the Employment Committees of the House and Senate are authorized to hire such additional employees as may be warranted should this continued session extend beyond Friday, November 20, 1981, for the positions, and at the rates, set forth in House Concurrent Resolution No. 3014; and

BE IT FURTHER RESOLVED, that legislative employees shall be entitled to recover necessary travel and lodging expenses, at the same rate as for other state employees, during the continued session, and for authorized days before and afterwards; and

BE IT FURTHER RESOLVED, that in the event any employees shall resign, be discharged, or for other reasons terminate employment, the compensation provided for in this resolution shall cease, effective the last day of employment; and

BE IT FURTHER RESOLVED, that the members of standing substantive and procedural committees which have met, or may meet, in a period between recess and reconvening of the Forty-seventh Legislative Assembly are entitled to per diem at the rate established for members of Legislative Council interim committees, payable from the appropriation to the Forty-seventh Legislative Assembly.

Filed November 19, 1981

SENATE CONCURRENT RESOLUTION

CHAPTER 813

SENATE CONCURRENT RESOLUTION NO. 4092

(Senator Olin)

(Representative Kretschmar)

LEGISLATIVE REAPPORTIONMENT ASSISTANCE

A concurrent resolution commending Professor Hickok and the University of North Dakota Bureau of Governmental Affairs for the valuable assistance rendered on reapportionment matters during the interim and the continued regular session.

WHEREAS, the legislative reapportionment plans considered by the Forty-seventh Legislative Assembly were derived from statistical information compiled and prepared by Floyd Hickok, Assistant Professor of Geography, under a contract with the Bureau of Governmental Affairs, University of North Dakota; and

WHEREAS, for the first time in reapportionment matters in North Dakota, statistics were compiled and prepared using computerization; and

WHEREAS, Professor Hickok prepared the initial reapportionment report and corresponding maps for numerous reapportionment plans described in that report; and

WHEREAS, Professor Hickok innovatively divided the state into a block system, which allowed changes to be made to regional areas without affecting the entire state; and

WHEREAS, Professor Hickok was always available to present information to the interim committee studying reapportionment and to provide statistical information to individual legislators for individual reapportionment plans; and

WHEREAS, Professor Hickok developed his reapportionment plans on a nonpartisan, statistically accurate basis; and

WHEREAS, Professor Hickok provided invaluable assistance to the Continued Session of the Forty-seventh Legislative Assembly, allowing the session to act quickly and decisively on reapportionment;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Forty-seventh Legislative Assembly commends the Bureau of Governmental Affairs, and particularly Professor Floyd Hickok, for their efforts and assistance regarding legislative reapportionment; and

BE IT FURTHER RESOLVED, that the Secretary of State present an enrolled copy of this resolution to Professor Floyd Hickok.