

CHAPTER 113.

[S. B. No. 287—Welch]

PRESCRIBING THE DUTIES OF THE COUNTY AUDITOR.

AN ACT Prescribing the Duties of the County Auditor upon Receipt of the Tax Levies Certified to Him.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The County Auditor of such county in this state upon receipt of tax levies certified to him by the proper authorities of any incorporated city, village, town, township or school district in this state, shall, immediately upon receiving such tax levies so certified to him, acknowledge receipt thereof to the proper officer of any incorporated city, village, town, township or school district transmitting any such tax levy to him.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1911.

COUNTY COMMISSIONERS

CHAPTER 114.

[S. B. No. 151—Duncan]

COUNTY COMMISSIONERS FURNISH BOND.

AN ACT To Require County Commissioners in all Counties in the State of North Dakota, Elected or Appointed to the Office of County Commissioner, to Furnish an Official Bond for the Faithful Performance of Their Duties, and Providing for the Approval of the Bond.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. COUNTY COMMISSIONERS FURNISH BOND.] Every person hereafter elected or appointed to the office of County Commissioner of any county within the state of North Dakota is hereby required to give to the county an official bond before entering upon the duties of his office, conditioned on the faithful performance and discharge of the official duties of his office, and to render a true, accurate and full account of all business transactions, powers and trusts of every kind and nature that shall come before him, or into his hands as such officer, according to law. Such

bond shall include all the business of the county done by him and protect the county against all acts of omission as well as commission, including all errors caused by carelessness or inattention in office; such bond shall be executed by some responsible surety or fidelity company, authorized and qualified to do business in the state of North Dakota, and be subject to the approval of the state's attorney as to form, and be subject to the approval of the state's attorney, county judge and clerk of the district court as to the responsibility of the county issuing the same; which said bond shall be in a penal sum of \$5000.00, and the amount of the premium for such surety or fidelity bond shall be audited by the state's attorney, county judge and the clerk of the district court, and the said premium to be paid out of the general funds of the county.

§ 2. CUMULATIVE. NO REPEAL.] Nothing in this chapter contained shall in any manner be construed as repealing or, in any manner, altering any other act or part of acts heretofore adopted by the legislature of this state, but the remedies herein provided shall be cumulative and in addition to all other remedies now existing in relation thereto.

§ 3. EMERGENCY.] Whereas an emergency exists in that there now is no adequate law for the protection of counties against the abuse of the power of the county commissioners, this act shall take effect from and after its passage and approval.

Approved March 3, 1911.

CHAPTER 115.

[H. B. No. 112—Law]

ADDITIONAL POWERS OF COUNTY COMMISSIONERS.

AN ACT Amending Section 2400 of the Revised Codes of 1905, Relating to Additional Powers of the Board of County Commissioners.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

That section 2400 of the Revised Codes of 1905 shall be amended to read as follows:

In addition to the powers hereinbefore mentioned such board shall have power:

1. To levy a tax not exceeding the amount authorized by law and to liquidate indebtedness.
2. To audit the accounts of all officers having the care, management, collection or disbursements of all money belonging to the county or appropriated for its benefits.
3. To construct and repair bridges, and to open, lay out, vacate and change highways in the cases provided by law.

4. To establish election precincts in its county and to appoint the judges of election in cases provided by law.

5. To equalize the assessments of the county in the manner provided by law.

6. To furnish the necessary blank books, blanks, stationery, telephone, postage, telephone and telegraph tolls, and all other things necessary and incidental to the performance of the duties of their respective offices, for the clerk of the district court, county auditor, register of deeds, county treasurer, county judge, sheriff, public administrator, and state's attorney of its county, to be paid out of the county treasury; also to furnish a fire-proof safe, when in its judgment the same shall be advisable, in which to keep all the books, records, vouchers, and papers pertaining to the business of the board; provided, that the county auditor, county treasurer, and the chairman of the board of county commissioners together shall constitute a committee, empowered and required to purchase and provide all necessary blanks, books and other stationery, for the use of all county officers in their official capacity.

7. To do and perform such other duties as now are or may hereafter be prescribed by law.

Approved March 3, 1911.

CHAPTER 116.

[H. B. No. 151—Davis]

PROPOSALS AND ACCEPTANCE OF BONDS.

AN ACT to Amend Section 2437 of the Revised Codes of North Dakota for 1905, Relating to Proposals and Acceptance of Bonds of County Depositaries.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 2437 is hereby amended to read as follows:

§ 2437. PROPOSALS, ACCEPTANCE OF BONDS.] Such proposals shall be presented to the board at such meetings, and then, but not until then, shall be opened by the county auditor in the presence of the board, and the board shall thereupon proceed to accept the proposal of the bank or banks offering the highest rate of interest not inconsistent herewith, subject to the filing of a satisfactory bond as hereinafter provided, the amount of which bond shall then and there be fixed by the board. Before any bank shall be designated as such depositary it shall submit to the board for its approval a bond payable to the county, conditioned for the safe keeping and repayment of any and all

funds deposited in such bank, which bond shall be signed by not less than five freeholders of the county as sureties; such bond to be in the sum required by the board, but in no case less than double the probable amount of funds to be deposited in such bank. If at any time the amount of funds on deposit in any such depositories shall exceed one-half of the amount named in such bond, it shall be the duty of the board at its next regular meeting thereafter to require from such depository an additional bond in a sum not less than twice the amount of such excess. Such bond shall be approved by the board, and the approval thereof endorsed thereon by the chairman of the board and by him deposited with the county auditor; and any bank whose bond shall have been so approved shall thereupon be designated by the board as a county depository and shall continue as such until the board of county commissioners shall re-advertise for bids and shall have designated new depositories. If the board fails or refuses to approve any such bond, the same may be presented to the judge of the district court, upon three days' notice to the county auditor, who shall proceed to hear and determine the sufficiency of such bond and may approve or disapprove the same as the facts warrant. If he approves such bond said bank shall be declared a public depository as aforesaid. The sureties on such bond shall be required to justify as required by law in arrest and bail proceedings; provided, however, that in lieu of such personal bond, the board of county commissioners may require such bank or banks to file a surety company bond for a sum equal to the amount of funds such bank may receive according to this article. If at any time the amount of funds on deposit in any such depositories shall exceed the amount named in such surety bond, it shall be the duty of the board at its next regular meeting thereafter to require from such depositories an additional surety bond in the sum of not less than the amount of such excess. Such surety company bonds shall be approved as provided by law.

Approved March 3, 1911.

CHAPTER 117.

[H. B. No. 331—Thompson]

DESIGNATION OF OFFICIAL NEWSPAPERS.

AN ACT Defining the Duties of County Commissioners Relating to the Designation of Official Newspapers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. OFFICIAL NEWSPAPERS. DESIGNATION OF.] The board of county commissioners of each county in this state must at its

first regular meeting in January of each year designate three newspapers, qualified to make such publication within the county, to publish the proceedings of said board as provided by law; provided, that at least one of the newspapers so designated must be located at the county seat of such county.

§ 2. EMERGENCY.] Whereas, an emergency exists this act shall take effect and be in force from and after its passage.

Approved March 6, 1911.

CHAPTER 118.

[H. B. No. 193—Tollefson]

BOARD TO SUPERINTEND FISCAL AFFAIRS OF COUNTY.

AN ACT to Amend and Re-Enact Section 2401, Article 10, Chapter 28 of the Revised Codes of 1905, Relating to the Duties of Boards of County Commissioners, Superintend County Fiscal Affairs and Providing for the Auditing and Checking of Offices.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 2401, article 10, chapter 28 of the Revised Codes of North Dakota of 1905, is hereby amended and re-enacted to read as follows:

§ 2401. BOARD TO SUPERINTEND FISCAL AFFAIRS OF COUNTY.] It shall superintend the fiscal affairs of the county, supervise the conduct of the respective county offices and at its first regular meeting in January, April, July and October audit and verify the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated for its benefit. It shall keep an account of the receipts and expenditures of the county and on the first Monday of July annually it shall cause a full and accurate statement of the assessments, receipts and expenditures of the preceding year to be made out in detail under separate heads with an account of all debts payable to and by the county treasurer and it shall have the same published in at least one newspaper in its county. If there is no newspaper in the county the same shall be posted up at the usual place of holding its sessions.

§ 2. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 6, 1911.

CHAPTER 119.

[H. B. No. 223—Streeter]

COMPENSATION OF COUNTY COMMISSIONERS.

AN ACT To Amend Section 2613 of the Revised Codes of 1905, Relating to Compensation and Office Hours of County Commissioners.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2613 Revised Codes of 1905 be amended to read as follows:

§ 2613. COMPENSATION ALLOWED. OFFICE HOURS.] County Commissioners shall each be allowed for the time they are necessarily employed in the duties of their office the sum of five dollars (\$5.00) per day and five cents (\$.05) per mile for the distance actually traveled in attending the meetings of the board and when engaged in other official duties, to be paid out of the general fund of the county, and their office hours shall not be less than from nine to twelve, a. m. and two to six p. m. during regular or special session held by such board.

Approved March 6, 1911.

DEPUTIES

CHAPTER 120.

[S. B. No. 66—Welsh]

QUALIFICATIONS OF DEPUTIES.

AN ACT To Amend and Re-Enact Section 437 of the Revised Codes of the State of North Dakota, for 1905, Relating to the Qualifications of Deputies of the State, County and Municipal Governments of and Within the State of North Dakota, and Members of Official Boards.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 437 of the Revised Codes of the State of North Dakota for 1905, be and the same is hereby amended and re-enacted to read as follows:

§ 437. OFFICIALS TO BE RESIDENTS AND CITIZENS.] No person shall be appointed as deputy in any state, county or municipal office, or as a member or officer upon any official board of any kind whatsoever of the state or of any county or municipality