

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 107

House Concurrent Resolution No. 356—(Wolf and Caddell)

MANAGERS PLAN OF COUNTY GOVERNMENT

Concurrent Resolution for an amendment to the Constitution of the State of North Dakota providing for a Managers Plan of County Government in Certain Counties.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following amendment to the Constitution of North Dakota is agreed to and shall be submitted to the qualified electors of North Dakota for approval or rejection in accordance with the provisions of Section 202 of said Constitution:

In any County having a population of eight thousand or less as determined by the last Federal census, 25% of the qualified electors of said County may petition the Board of County Commissioners of that County to submit to the electors of said County at a special election to be held not more than ninety days immediately following the filing of said petition the question of adopting for said County the Managers Plan of Government. If a majority of the electors of said County voting upon such question shall be in favor of said Managers Plan, the Board of County Commissioners shall appoint a manager whose duties it shall be to perform either personally, or by agent, which agent he may appoint, all duties required by law to be performed by the Register of Deeds, County Auditor, County Treasurer, Sheriff, County Judge, Clerk of District Court, Superintendent of Schools, Assessors, and he may hire an attorney at law to perform the duties of States Attorney for that County, and all persons appointed to perform such duties shall be removable at will by the manager, who shall be bonded by the State Bonding Fund in such amount as the Board of County Commissioners may fix, and he shall receive such salary as may be determined by the Board of County Commissioners. The said manager shall be accountable to and subject to removal with or without cause by the Board of County Commissioners. The manager so appointed, or the person appointed by him therefor performing the duties of County Treasurer, Sheriff and County Superintendent of Schools shall not be subject to any term limitation or to any educational qualifications as now provided by the constitution or by the laws of this State, and the Board of County Commissioners of said County shall continue to function as now provided by statute and the constitution, and to perform all duties now enjoined upon them under the laws of this State. The legislative assembly

may by law provide additional qualifications, duties and grant additional powers to the manager so appointed and fix his salary, but it may not abolish the said office of manager in Counties having adopted the Managers Plan of County Government. The Managers Plan herein provided of County government once adopted as herein provided shall remain in force in the County adopting the same until the majority of the voters at any special or general election called for that purpose by the Board of County Commissioners on petition signed by like number of electors as required to establish said plan shall vote to discontinue said plan, and which election it shall be the duty of the Board of County Commissioners to call within ninety days from the date of filing of said petition asking for the discontinuance of the plan.

If the plan is voted upon and approved at any election other than a general election in that County, the elected officers above named of said County shall continue to perform their duties until the expiration of their respective terms of office, and at the following general election no person shall be elected to any of the County offices above name, (d) except to the office of member of the Board of County Commissioners; and if the said plan is voted upon and approved at a general election, the said County offices shall be regarded as discontinued for all purposes at the expiration of the term of the incumbent of each of said offices; provided that after a change has been made in the form of County government, that the question of changing back to the former system of government shall not be submitted to election within six years.

Filed March 5, 1937.

CHAPTER 108

Senate Concurrent Resolution H—(Thatcher)

ELECTION, TERMS, COUNTY OFFICERS

A Concurrent Resolution providing for the amendment of Article 48 of the Constitution of North Dakota.

Be It Resolved by the Senate, the House of Representatives Concurring:

That the following proposed amendment of Article 48 of the Constitution of the State of North Dakota, is agreed to and that the same be submitted to the qualified electors of the State of North Dakota for approval or rejection, in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended.

§ 1. AMENDMENT.] That Article 48 of the Constitution of the State of North Dakota, is hereby amended and re-enacted to read as follows:

§ 173. At the first general election held after the adoption of this amendment, and every two years thereafter, there shall be elected in each organized County in the State, a Register of Deeds, County Auditor, Treasurer, Sheriff, State's Attorney, County Judge and a Clerk of the District Court, who shall be electors in the County in which they are elected and who shall hold their office until their successors are elected and qualified; provided in Counties having twelve thousand (12,000) population, or less, the County Judge shall also be the Clerk of the District Court. Provided further, that in Counties having a population of six thousand (6,000), or less, the Register of Deeds shall also be Clerk of the District Court and County Judge. The Legislative Assembly shall provide by law for such other County, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all County, township and district officers.

Filed March 8, 1937.

CHAPTER 109

Senate Concurrent Resolution P—(Thatcher)

SALE OF SCHOOL AND PUBLIC LANDS

A Concurrent Resolution providing for the amendment of Section 158 of Article 9 of the Constitution of North Dakota as amended by Article 13 of the amendments thereof, relating to school and public lands, and for resale to original purchaser.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following proposed amendment to Section 158 of Article 9 of the Constitution of the State of North Dakota as amended by Article 13 of the Amendments thereof, is agreed to and that the same be submitted to the qualified electors of the State for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended.

§ 1. AMENDMENT.] That Section 158 of Article 9 of the Constitution of the State of North Dakota, as amended by Article 13 of the Amendments thereof, is hereby amended and re-enacted to read as follows:

§ 158. No land shall be sold for less than the appraised value and in no case be sold for less than ten dollars (\$10.00) per acre. The purchaser shall pay one-fifth of the price in cash, and the remaining four-fifths as follows:

One-fifth in five years, one-fifth on or before the expiration of ten years, one-fifth on or before the expiration of fifteen years, and one-fifth on or before the expiration of twenty years, with interest at the rate of not less than three per cent per annum, payable

annually; provided that when payments are made before due they shall be made at an interest paying date. All sales shall be held at the County seat of the County in which the land to be sold is situated, and shall be at public auction and to the highest bidder, after sixty days advertisement of the same in a newspaper of general circulation in the vicinity of the land to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of one quarter section, and those subdivided in the smallest subdivisions. All lands designated for sale and not sold within two years after appraisal shall be reappraised before they are sold. No grant or patent for such lands shall issue until payment is made for the same; provided that the land contracted to be sold by the State shall be subject to taxation from the date of contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, then thereupon the contract of sale for such land shall, if the Board of University and School Lands so determine, become null and void. Any lands under the provision of Section 158 of the Constitution of the State of North Dakota that have heretofore been sold, may be paid for, except as to interest as provided; provided further, that any school or institutional lands that may be required for townsite purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, fair grounds, public highways, railroad right of way or for other railroad uses and purposes, reservoirs for the storage of water for irrigation, drain ditches, and lands that may be required for any of the purposes over which the right of eminent domain may be exercised under the Constitution and the laws of the State of North Dakota, may be sold under the provisions of this Act, and shall be paid for, principal and interest, in full in advance at the time of the sale, or at any time thereafter, and patent issued therefor, when principal and interest are paid. Any of the said lands, including lands held in trust for any purpose, may, with the approval of the Board of University and School Lands, be exchanged for lands of the United States, as the Legislature may provide, and the lands so acquired shall be subject to the trust, if any, to which the lands exchanged therefor were subject, and the State shall reserve all mineral and water and water power rights in lands so transferred by the State.

Provided, further, that, when land has been sold on contract as hereinbefore provided, and the purchaser (purchaser) or his heirs or assigns, has been unable, at least in part by reason of successive crop failures, to pay for the land purchased within twenty years after the date of purchase and such contract is in default and subject to cancellation, the Board of University and School Lands, may, if so requested by such purchaser or his heirs, or assigns, after declaring such contract terminated, resell the land described in such contract to such purchaser, or his heirs or assigns for the amount of the

unpaid principal of the original purchase price plus the amount of unpaid accrued interest, but in no case shall the resale price be more than the original sale price, such contract of resale to be upon the same terms as said original contract excepting that the contract of resale may provide that the purchaser may pay the first one-fifth of the resale price in five equal successive annual installments, the first installment to be paid at the time of execution of the resale contract, and that such resale contract shall bear interest at the rate of three per cent per annum payable annually; and provided further, that this Section shall be deemed self-executing insofar as provision is made herein for resale of lands sold to the original purchaser or to his heirs or assigns.

Filed March 6, 1937.

CONTRACTS AND CONTRACTORS

CHAPTER 110

H. B. No. 78—(Godwin, Burgum and Twitchell)

PUBLIC CONTRACTORS, REGISTRATION ACT

An Act providing for the registration of public contractors, and defining the term public contractor; providing the requirements and method of obtaining a license to engage in the business of public contracting in the State of North Dakota; classifying and fixing the fee for such license; providing the method of suspension, cancellation and reinstatement thereof; providing added requirements in bond of foreign contractor; prescribing penalties for the violation of this Act; repealing all Acts or parts of Acts in conflict with the provisions hereof; and declaring an emergency.

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

§ 1. The following words, terms and phrases of this Act are, for the purposes hereof, defined as follows:

(a) The word "registrar" as used herein is the Secretary of State of the State of North Dakota;

(b) The word "person" as used includes any individual, co-partnership, association, corporation or other group or combination acting as a unit, and the plural as well as the singular number, unless the intent to give a more limited meaning is clearly disclosed by the context hereof;

(c) A "public contractor" within the meaning of this Act shall include any person, as hereinbefore defined, who submits a proposal to or enters into a contract with the State of North Dakota, or any Board, Commission or Department thereof, or with any