

# COUNTIES

## CHAPTER 125

S. B. No. 265—(Feton)

### COUNTY COMMISSIONERS AUTHORIZED TO CONSTRUCT MEMORIALS

#### AN ACT

To give county commissioners authority to erect memorials or other suitable recognition in commemoration of those of the county who rendered service or who lost their lives in the service of their country in World War I and World War II; to create a memorial fund; and to make a levy therefor; to join with cities, school districts or other governmental agencies in the construction and operation of the same.

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

§ 1. COUNTY COMMISSIONERS AUTHORIZED TO ERECT A MEMORIAL OR MEMORIALS OR OTHER SUITABLE RECOGNITION: TO MAKE A LEVY.] The board of county commissioners of any county in the State of North Dakota is hereby authorized to erect a memorial or memorials, or other suitable recognition, in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during World War I and World War II, or solely during World War II, and may for each purpose use funds out of the general fund of the county if there is sufficient money in said fund, or use funds heretofore raised by tax levy for such memorial or memorials, and may after the taking effect of this act and annually thereafter for a period of five years levy a tax not in excess of four mills on the dollar in any one year upon the assessed valuation of all property in the county, which levy shall be in addition to and not restricted by the levy limitations prescribed by law, or may use funds for that purpose donated to the county for that purpose, or may use for such purpose funds out of the general fund of such county if there is sufficient money in said fund in conjunction with the funds so donated or obtained by such levy and tax, and the proceeds of such levy, tax, and donations, together with the amount taken out of the general fund, shall be used solely for the purpose of erecting such memorial, or memorials, or other suitable recognition; provided, however, that nothing herein contained shall be construed to prohibit said board from expending any additional moneys derived from sources other than taxation. Such memorial, or memorials, or other suitable

recognition shall be erected within the county at a place determined upon by such board and such memorial, or memorials, or recognition when erected, shall be properly and permanently maintained by such board by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both of such funds. Provided, further, that where funds have been heretofore raised by tax levy for such memorial, or memorials, or other suitable recognition, and the funds so raised are unexpended, the board of county commissioners may at any time by resolution transfer any such unexpended funds to the general fund of the county.

§ 2. A MEMORIAL FUND CREATED: HOW EXPENDED.] Funds provided to be raised in accordance with the last section shall be designated as the memorial fund, and shall be kept separate and distinct from other moneys by the county treasurer and shall be expended by and under the directions and control of the board of county commissioners.

§ 3. MAY JOIN WITH CITIES, SCHOOL DISTRICTS AND OTHER GOVERNMENTAL AGENCIES IN ERECTION AND OPERATION.] The board of county commissioners, in carrying out the provisions of Sections 1 and 2 hereof, may join with a city, school district, or other governmental agency, or any or all of same, in the erection and operation of said memorial, or memorials, or other suitable recognition, in any proportion deemed advisable by said board. Said board in conjunction with the other cooperating body or bodies may provide for the operation and administration of said memorial, memorials, or other suitable recognition.

Approved March 21, 1947.

**CHAPTER 126****S. B. No. 9**

(Senator Brant for Legislative Research Committee  
at the request of Office of State Examiner)

**MILEAGE AND EXPENSES COUNTY COMMISSIONERS IN  
CERTAIN CASES****AN ACT**

To amend and reenact Chapter 157 of the Session Laws of North Dakota for the year 1945, authorizing county commissioners to charge and collect mileage and expenses in certain cases.

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

§ 1. AMENDMENT.] That Chapter 157 of the Session Laws of North Dakota for the year 1945, be amended and reenacted to read as follows:

§ 1. COMMISSIONERS MAY COLLECT MILEAGE FOR DAILY TRAVEL BETWEEN PLACE OF RESIDENCE AND COUNTY SEAT, OR IN LIEU THEREOF CERTAIN OTHER EXPENSES.] A county commissioner may charge and receive for his expenses while attending meetings of the board of county commissioners of which he is a member according to one of the following methods:

1. If the meeting is more than one day's duration, he may charge for and collect mileage for each mile actually traveled;
2. In lieu of such mileage, he may collect and receive the sum of two dollars per day; and
3. No county commissioner residing within the corporate limits of the county seat may charge for and collect mileage or other sums in lieu thereof for attending any meeting of the board of county commissioners of which he is a member.

Approved February 10, 1947.

**CHAPTER 127****S. B. No. 12**

(Senator Brant for Legislative Research Committee  
at the request of Office of State Examiner)

**SALARIES COUNTY COMMISSIONERS  
AN ACT**

To amend and reenact Subsection 3 of Section 11-1010 of North Dakota Revised Code of 1943, fixing the salary of county officers.

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

§ 1. AMENDMENT.] That Subsection 3 of section 11-1010 of North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1010. SALARIES OF COUNTY OFFICERS.] Each county commissioner shall be allowed the sum of six dollars per day while performing his duties in attending meetings of the board of county commissioners of which he is a member or when engaged in other official duties, and actual living expenses not to exceed the sum of five dollars per day for board and lodging while performing official duties outside of the county of which he is a resident and within the state of North Dakota, and not to exceed the sum of seven dollars per day for board and lodging while performing official duties outside of the state of North Dakota, upon itemized statements submitted by him, and supported by sub-vouchers or receipts as provided by Section 21-0501 of the North Dakota Revised Code of 1943, and his actual transportation expenses not in excess of the amounts provided by Section 54-0609 of North Dakota Revised Code of 1943 while performing his duties in attending meetings of the board of county commissioners of which he is a member or when engaged in other official duties, upon itemized statement showing the mileage traveled, the days when and how traveled, and the purpose thereof, verified by his affidavit and supported by sub-vouchers or receipts as provided by Section 21-0501 of North Dakota Revised Code of 1943, the same to be paid out of the general fund of the county, but in counties having a population of eight thousand or less, the total compensation and expenses including per diem, board and lodging and transportation expense received by any member of the board of county commissioners shall not exceed the sum of nine hundred dollars for any fiscal year, provided that for the purpose of collecting per diem, living expenses, and transportation expenses incident to the attendance of any county commissioner at any state-wide meeting of the North Dakota county commissioners association, such attendance at

said meeting shall be considered the performance of an official duty within the meaning of this section.

Approved March 6, 1947.

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## CHAPTER 128

S. B. No. 119

(Brant, Bridston, Rue, Thatcher, Sandness and Stucke)

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### SALARIES COUNTY OFFICERS

#### AN ACT

To increase the salaries of county auditors, county treasurers, sheriffs, county superintendents of schools, registers of deeds, county judges, state's attorneys, and clerks of the district court during the calendar years 1947, 1948, 1949, and 1950, making such increase retroactive to January 1, 1947, and declaring an emergency.

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

§ 1. That for the calendar years of 1947, 1948, 1949, and 1950, the county auditor, county treasurer, sheriff, county superintendent of schools, register of deeds, county judge, state's attorney and clerk of the district court in each county shall receive the following annual salary payable monthly for official services rendered:

- A. Two thousand dollars in counties having a population not exceeding five thousand;
- B. Two thousand one hundred dollars in counties having a population exceeding five thousand and not exceeding six thousand;
- C. Two thousand two hundred dollars in counties having a population exceeding six thousand and not exceeding seven thousand;
- D. Two thousand three hundred dollars in counties having a population exceeding seven thousand and not exceeding eight thousand;
- E. In counties having a population in excess of eight thousand the sum of two thousand four hundred dollars plus additional compensation of forty dollars per year for each one thousand additional population or major fraction thereof;

F. Provided, further, that in no case shall the maximum of such compensation exceed the sum of two thousand eight hundred dollars in counties having a population of thirty thousand or less and in no case shall the maximum of such compensation exceed the sum of three thousand two hundred dollars in counties having a population exceeding thirty thousand based on the United States government census of 1940.

§ 2.] This Act shall not be construed to constitute either an amendment or a repeal of any of the provisions of Section 11-1010 of the North Dakota Revised Code of 1943, but shall be construed as authorizing additional compensation to the schedule of salaries provided by said section during the calendar years 1947, 1948, 1949, and 1950, and those years only.

§ 3. ACT RETROACTIVE TO JANUARY 1, 1947.] The provisions of this Act authorizing increase in salaries as herein provided shall be retroactive to January 1, 1947.

§ 4. EMERGENCY.] An emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

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## CHAPTER 129

S. B. No. 136—(Day)

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### SALARIES COUNTY SUPERINTENDENTS OF SCHOOLS

#### AN ACT

Fixing salaries of county superintendents of schools, repealing acts and parts of acts in conflict herewith, and declaring an emergency.

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

§ 1. SALARIES.] From and after the passage and approval of this act the salaries of county superintendents of schools shall be as follows:

- (a) Two thousand two hundred dollars in counties having a population not exceeding five thousand;
- (b) Two thousand three hundred dollars in counties having a population exceeding five thousand and not exceeding six thousand;

- (c) Two thousand four hundred dollars in counties having a population exceeding six thousand and not exceeding seven thousand;
- (d) Two thousand five hundred dollars in counties having a population exceeding seven thousand and not exceeding eight thousand;
- (e) In counties having a population in excess of eight thousand the sum of two thousand six hundred dollars plus additional compensation of forty dollars per year for each one thousand additional population or major fraction thereof;
- (f) In no case shall the maximum of such compensation exceed the sum of three thousand two hundred dollars.

§ 2.] This Act shall not be construed to constitute either an amendment or a repeal of any of the provisions of Section 11-1010 of the North Dakota Revised Code of 1943, but shall be construed as authorizing additional compensation to the schedule of salaries provided in any other law during the calendar year 1947, 1948, 1949, and 1950, and those years only.

§ 3. ACT RETROACTIVE TO JANUARY 1, 1947.] The provisions of this Act authorizing increase in salaries as herein provided shall be retroactive to January 1, 1947.

§ 4. EMERGENCY.] This act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 15, 1947.

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## CHAPTER 130

S. B. No. 118—(Strelbel)

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### SHERIFF'S FEES BOARDING PRISONERS

#### AN ACT

To amend and reenact Subdivision 21 of Section 11-1507 of the North Dakota Revised Code of 1943, relating to the sheriff's fees for boarding prisoners, and declaring an emergency.

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

§ 1. AMENDMENT.] That subdivision 21 of Section 11-1507 of the North Dakota Revised Code of 1943 be amended

and reenacted to read as follows:

21. For boarding prisoners, a sum to be determined by the county commissioners, by resolution in advance, which sum shall in no case exceed two dollars per day.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

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## CRIMES AND PUNISHMENTS

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### CHAPTER 131

S. B. No. 228—(Shure)

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#### GENERAL POWERS BOARD OF PARDONS

##### AN ACT

To amend and reenact Section 12-5510 of the North Dakota Revised Code of 1943, relating to the general powers of the board of pardons.

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

§ 1. AMENDMENT.] That Section 12-5510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-5510. GENERAL POWERS OF BOARD OF PARDONS.] The board of pardons may issue process requiring the presence of any person or officer before it, with or without books and papers, in any matters pending before said board. If any such person or officer disobeys the order of the board, the chairman, or acting chairman, of such board, may apply to any judge of the district court for an order requiring the attendance of such person or officer, with or without books and papers described in the process. The failure of any such person or officer to comply with such order of the district court shall be held to be a contempt of court and shall be punishable accordingly. Any member of the board of pardons, the parole officer, or anyone appointed by the board to secure informa-