

## MUNICIPAL GOVERNMENT

### CHAPTER 277

S. B. No. 93—(Brant)

#### TAX LEVY FOR CITY EMPLOYEES PENSION FUND, LIMITATIONS

##### AN ACT

To amend and reenact Section 40-4602 of the North Dakota Revised Code of 1943, authorizing a tax levy for city employees' pension fund and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 40-4602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4602. TAX LEVY FOR CITY EMPLOYEES' PENSION FUND AUTHORIZED; LIMITATIONS.] In addition to any other levies authorized by law for general purposes, any city having a population in excess of ten thousand inhabitants according to the last official federal or state census which has adopted a civil service system for city employees may levy an annual tax of not more than one and one-half mills for the purpose of creating and maintaining a city employees' pension fund.

§ 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 March 7, 1947.

## CHAPTER 278

S. B. No. 14

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

## CITY TREASURER TRIPLICATE RECEIPTS;

## AN ACT

To amend and reenact Section 40-1703 of the North Dakota Revised Code of 1943 relating to the issuance of receipts by a city treasurer.

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

§ 1. AMENDMENT.] That Section 40-1703 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

40-1703. TRIPLICATE RECEIPTS GIVEN BY TREASURER: FILED WITH AUDITOR.] The governing body of each city in the state of North Dakota shall furnish the city treasurer with prenumbered triplicate receipts in such form as shall be approved by the state examiner. The city treasurer shall issue his official receipt in triplicate for each sum of money paid into the city treasury from whatever source received specifying the date and amount of such payment and upon what account such money is paid. He shall deliver the original copy of said receipt to the person or official from whom the money is received, deliver the duplicate copies of said receipts to the city auditor on the last business day of the month in which they were issued or oftener as the city auditor may request, and the city treasurer shall retain the triplicate copies of said receipts and file same numerically in his office. The city treasurer and the city auditor shall enter such receipts numerically in their respective records of receipts.

Approved February 10, 1947.

## CHAPTER 279

H. B. No. 154—(Wollitz, Thompson, Klefstad and Williams)

TRANSFER CITY WAR EMERGENCY FUND TO GENERAL FUND  
AN ACT

Permitting cities to transfer the war emergency fund to the general fund of the city and declaring an emergency.

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

§ 1. Any city which, pursuant to the provisions of Section 57-1529 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 318 of the Session Laws of North Dakota for the year 1945, has created a war emergency fund and has levied a tax therefor, may transfer from such war emergency fund into the general fund of said city all or any part of such war emergency fund.

§ 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 March 3, 1947.

## CHAPTER 280

S. B. No. 268

(Morgan and O'Brien at the request of the  
State Water Conservation Commission)

ESTABLISHMENT, CONSTRUCTION AND IMPROVEMENT  
MUNICIPAL UTILITIES

## AN ACT

To amend and reenact Section 40-3302 of the North Dakota Revised Code of 1943, relating to the establishment, construction and improvement of municipal utilities, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 40-3302 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted so as to read as follows:

40-3302. ACQUIRING, ERECTING, OR IMPROVING PLANT, SYSTEM, OR LINE WITHOUT ELECTION PROHIBITED; EXCEPTION.]. No municipal officers shall purchase, erect, nor substantially enlarge, improve, or extend an existing plant, nor

lease from others any plant, system or line provided for in Section 40-3301, unless the proposition shall have been submitted by a resolution of the governing body to the qualified electors of the municipality at an annual or special election called, held and conducted upon the notice and in the manner specified by this title for the election of the governing body of the municipality, and shall have been approved by a majority of the electors voting thereon. If, however, the cost of any enlargement, improvement, or extension will be paid out of the earnings of the plant and the cost does not exceed the sum of five thousand dollars, or if eighty per centum (80%) or more of the cost of any waterworks, mains, water system and equipment or appliances therefore is to be paid by special assessments or by the earnings of the plant or by both it shall be unnecessary to submit the proposition to the electors of the municipality; or in order to provide for a greater and more adequate water supply to meet the needs of the municipality for domestic use, for fire protection, or for sanitation and sewage disposal, regardless of cost the governing body thereof may by resolution provide for the needed improvement and facilities in cooperation with the state or federal government, or any agency thereof, without an election, provided funds for such cooperation or for defraying the entire cost thereof are available in the municipal utilities fund as defined by Section 40-3310 of the North Dakota Revised Code of 1943.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1947.

## CHAPTER 281

H. B. 189—(Brady, Fleck and Smart)

## ENACTMENT OF ORDINANCES, POWERS OF MUNICIPALITIES

## AN ACT

To amend and reenact Subsection 1 of Section 40-0501 of the North Dakota Revised Code of 1943 relating to powers of municipalities in the enactment of ordinances.

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

§ 1. AMENDMENT.] That Subsection 1 of Section 40-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. ORDINANCES.] To enact or adopt all such ordinances, resolutions, and regulations, not repugnant to the constitution and laws of this state, as may be proper and necessary to carry into effect the powers granted to such municipality or as the general welfare of the municipality may require, and to repeal, alter, or amend the same. The governing body of a municipality may adopt by ordinance the conditions, provisions, and terms of a building code, a fire prevention code, a plumbing code, an electrical code, a sanitary code, or any other standard code which contains rules and regulations printed as a code in book or pamphlet form by reference to such code or portions thereof alone without setting forth in said ordinance the conditions, provisions, limitations, and terms of such code. When any such code or portion thereof shall have been incorporated by reference into any ordinance as aforesaid, it shall have the same force and effect as though it had been spread at large in such ordinance without further or additional posting or publication thereof. A copy of such standard code or portion thereof shall be filed for use and examination by the public in the office of the city auditor or village clerk of such municipality prior to the adoption thereof. The adoption of any such standard code by reference shall be construed to incorporate such amendments thereto as may be made therein from time to time, and such copy of such standard code so filed shall at all times be kept current in the office of the city auditor or village clerk of such municipality. The adoption of any such code or codes heretofore by any municipality is hereby validated. Fines, penalties, and forfeitures for the violation

thereof may be provided within the limits specified in this chapter notwithstanding that such offense may be punishable also as a public offense under the laws of this state.

Approved March 15, 1947.

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## CHAPTER 282

H. B. No. 173—(Brickner, Yirchott)

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### PARK COMMISSIONS—YEA AND NAY VOTE WHEN; LETTING CONTRACTS; DEBT LIMIT; BILLS, CLAIMS AND DEMANDS

#### AN ACT

To amend and reenact Section 40-4914 of the North Dakota Revised Code of 1943, providing for when a ye and nay vote shall be taken by park commissions, the letting of contracts by park commissions, the debt limit and bills, claims, and demands against park districts and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 40-4914 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4914. YEA AND NAY VOTE TAKEN WHEN; LETTING CONTRACTS; DEBT LIMIT: BILLS, CLAIMS, AND DEMANDS AGAINST COMMISSION.] Ye and nay votes shall be taken on all propositions involving the expenditure of money levying of taxes or the issuance of bonds or certificates of indebtedness. All contracts shall be let to the lowest responsible bidder after advertisement in the official newspaper of the municipality once each week for three successive weeks. The board may reject any or all bids. All contracts shall be in writing and shall be signed by the president and clerk of the board and unless so executed, they shall be void. The debt of a park district shall not exceed one percent of the taxable property within the district according to the last preceding assessment. No bill, claim, account, or demand against the district shall be audited, allowed, or paid until a full, written, itemized statement thereof shall be filed with the board with a certificate in substantially the following form:

**CERTIFICATE**

I do hereby certify that the within bill, claim, account, or demand is just and true; that the money therein charged was actually paid for the purposes therein stated; that the services therein charged were actually rendered and of the value therein charged; and that no part of such bill, claim, account, or demand, has been paid; and that the goods therein charged were actually delivered and were of the value charged.

Sign here.....

.....  
If signed for a firm  
or company show authority on  
this line.

§ 2. EMERGENCY.] Whereas the law now in effect is not certain as to the form of verification required for claims and accounts against park districts and it is desirable that a definite and uniform method of verification be established as soon as possible, therefore, this Act is declared to be an emergency measure and the same shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

## CHAPTER 283

H. B. No. 42

(Langley and Legislative Research Committee at the request of Minot Recreation Association)

ESTABLISHMENT PUBLIC RECREATION SYSTEM  
AN ACT

Authorizing cities, incorporated towns, villages and townships, park districts, and school districts to establish, maintain and operate systems of public recreation and to acquire, establish, conduct and maintain community centers, playgrounds, recreation centers and other recreational and character building areas, structures, facilities and services; providing these may be established as memorials; to appropriate general municipal, park, or school funds therefor; to bond and levy a special tax therefor; defining the powers of such cities, incorporated towns and villages and townships, park districts and school districts in connection with all such matters; providing for the creation of a recreation board or commission, the election and terms of the members thereof, and the powers thereof; and declaring an emergency.

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

§ 1. DEFINITIONS.] The term "governing body" as herein used means city council, board of trustees or commissioners of any city, incorporated town or village, township, the trustees of any school district and the commissioners of any part district in North Dakota. The term "municipality" as used in this Act refers to and means any city, incorporated town or villages, townships, in North Dakota.

§ 2. MUNICIPALITY, SCHOOL AND PARK DISTRICT MAY DEDICATE, SET APART, ACQUIRE, LEASE AND MAINTAIN RECREATION CENTERS; APPROPRIATION.] The governing body of any municipality, park district, or school district may dedicate and set apart for use as playgrounds, recreation centers, and other recreation or character building purposes and community centers, lands or buildings, or both, owned or leased by such municipality, school district, or park district, and not dedicated or devoted to another, inconsistent public use; and such municipality, school district, or park district, in such manner as may now or hereafter be authorized or provided by law for the acquisition of lands or buildings for public purposes by such municipality school district, or park district, may acquire or lease lands or buildings, or both, within or beyond the corporate limits of such municipality, school district, or park district, for community centers, playgrounds, recreation centers or other recreational and character building purposes and when the governing body of such municipality, school district, or park district, so dedicates, sets apart, acquires or leases lands or buildings for such purposes, on



its own initiative, it may provide for their conduct, equipment and maintenance according to the provisions of this Act, by making an appropriation from the general municipal, school district, or park district funds.

§ 3. PROVIDING AND MAINTAINING RECREATIONAL FACILITIES MAY BE VESTED IN AN EXISTING BODY; POWERS OF BODY.] The governing body of any municipality, school district, or park district may establish a system of public recreation and it may vest the power to provide, maintain and conduct playgrounds, community centers, recreation centers, and other recreational and character building areas, structures, facilities, and activities in any existing municipal body, in the school district, in the park district, or in a recreation board or commission, as the governing body may determine. Any board, commission or other body so designated shall have the authority to maintain and conduct community centers, playgrounds, recreation centers and other recreational and character building areas, structures, facilities, and activities, and for the purpose of carrying out the provisions of this Act it may employ play leaders, playground and recreation center directors, supervisors, recreation superintendents and such other employees as they deem proper.

§ 4. MUNICIPALITIES, SCHOOL OR PARK DISTRICTS MAY PROVIDE AND ESTABLISH JOINT RECREATION CENTERS AND FACILITIES.] Any two or more municipalities, school districts, or park districts, jointly, may provide, establish, maintain and conduct a public recreation system, and acquire property therefor, and establish and maintain community centers, playgrounds, recreation centers and other recreational and character building areas, structures, facilities and activities.

§ 5. BONDS MAY BE ISSUED PROVIDING FOR SUCH FACILITIES.] The governing body of any municipality, school district, or park district, pursuant to law, may provide that the bonds of such municipality, school district, or park district may be issued in the manner provided by law for the issuance of bonds for other purposes, for the purpose of acquiring lands or buildings for community centers, playgrounds, recreation centers and other recreational and character building purposes and for the equipment thereof.

§ 6. ESTABLISHING RECREATION BOARD OR COMMISSION; MEMBER OF; TERMS; VACANCY; COMPENSATION.] If the governing body of any municipality, school district or park district determined that the power to provide, establish, conduct and maintain a public recreation system shall be exercised by a recreation board or commission, such governing body shall by resolution or ordinance establish in such municipality a recreation board or commission which shall possess all the

powers and be subject to all the responsibilities of the local authorities under this Act. Such recreation board or commission when established shall consist of at least five but not more than nine persons, as the governing body may determine, to be appointed by the mayor or presiding officer of such municipality, with the consent of the governing body. One member of such recreation board or commission shall be chosen from the legal membership of the park district board, or board of park commissioners of the municipality, and one member of the legal membership of the school district board or boards within the corporate limits of such municipality. The term of office of all members of such recreation board or commission shall be for three years except that the members of such recreation board or commission first appointed shall be for staggered terms so that the terms of at least one but not more than three members expire annually. If a vacancy occurs during the term of office of any member, the mayor or presiding officer, with the consent of the governing body, shall appoint a successor to serve for the unexpired term. Membership on such recreation board or commission shall be without compensation or remuneration.

§ 7. GOVERNING BODY, BOARD, OR COMMISSION MAY ACCEPT GRANTS OF REAL ESTATE AND MONEY; CONDITIONS.] The governing body of a municipality, school district, or park district, recreation board or commission or other authority in which is vested the power to provide, establish, maintain and conduct such supervised recreation system may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or recreation purposes, but if the acceptance thereof for such purposes will subject such municipality, school district or park district, to additional expense for improvement, maintenance or removal, the acceptance of any grant or devise of real estate shall always be subject to the approval of the governing body of such municipality, school district or park district. Money received for such purpose, unless otherwise provided by the terms of the gift or bequest shall be deposited with the treasurer of such municipality to the account of the recreation board or commission or other body having charge of such work, and the same may be withdrawn and paid out by such body in the same manner as money appropriated for recreation purposes.

§ 8. ELECTION TO DETERMINE DESIRABILITY OF ESTABLISHING RECREATION SYSTEM; HOW CALLED.] The governing body of any municipality, school district, of park district to which this Act is applicable, may and upon receipt of a petition signed by at least ten qualified voters but not less

than five per cent of those citizens who voted at the last general election of the municipality, school district, or park district, shall submit to the electors the question of the establishment, maintenance, and a conduct of a public recreation system, and the levying of an annual tax for the conduct and maintenance thereof of not more than two and five-tenths mills on each dollar of assessed valuation of all taxable property within the corporate limits or boundaries of such municipality, school district or park district, to be voted upon at the next general election or special municipal election, provided, however, that such questions shall not be voted upon at the next general election unless such action of the governing body shall be taken, or such petition to submit such question shall be filed thirty days prior to the date of such election.

§ 9. FAVORABLE VOTE AT ELECTION; PROCEDURE.] Upon the adoption of such a proposition at an election by a majority of the votes cast upon such proposition, the governing body of such municipality, school district, or park district, by resolution or ordinance, shall provide for the establishment, maintenance, conduct of a public recreation system, and thereafter levy and collect annually a tax of not more than two and five-tenths mills on each dollar of all taxable property within the corporate limits or boundries of such municipality, school district or park district, such tax to be in addition to the maximum of taxes permitted to be levied in such municipality, school district, or park district. The governing body of such municipality, school district, or park district, shall continue to levy such tax annually for public recreation purposes until such time as the qualified voters, at a regular or special election, by a majority vote on the proposition, decide to discontinue the levy. The governing body of such municipality, school district, or park district, in its discretion, may appropriate additional funds for the operation of the public recreation system if in the opinion of the governing body additional funds are needed for the efficient operation thereof. Nothing in this Section of this Act shall be construed to limit the power of any municipality, school district, or park district to appropriate on its own initiated general municipal, school district, or park district tax funds for the operation of a public recreation system, a community center or character building facility.

§ 10. PUBLIC RECREATION UNDER THIS ACT DEEMED GOVERNMENTAL SUBDIVISION FUNCTION.] The provision, conduct, operation, and maintenance of a system of public recreation under the provisions of this Act shall be a governmental function of municipalities, school districts, or park districts.

§ 11. RECREATION CENTERS OR SYSTEMS MAY BE ESTABLISHED AS MEMORIALS.] The community centers, playgrounds, recreational centers and systems, or any recreational or character building facility provided for herein, may be erected or established as memorials in commemoration of the men and women of the locality who lost their lives in the service of their country during World War II and in gratitude to all who served in the armed forces. In such cases the names of those so remembered shall be preserved in some manner in connection with the memorial.

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

Approved March 11, 1947.

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## CHAPTER 284

S. B. No. 277—(Morgan and O'Brien)

At the request of the State Water Conservation Commission

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### ESTABLISHMENT OF FEDERAL OR STATE PUBLIC WORKS PROJECT BY MUNICIPALITIES

#### AN ACT

To amend and reenact subsection 59 of section 40-0501 of the North Dakota Revised Code of 1943, relating to the powers of municipalities to accept aid from and cooperate with any federal or state agency in the establishment, construction and maintenance of public works projects, and declaring an emergency.

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

§ 1. AMENDMENT.] That subsection 59 of section 40-0501 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted so as to read as follows:

#### 40-0501.

59. Public Works Project. To accept aid from, cooperate and contract with, and to comply with and meet the requirements of any federal or state agency for the establishment, construction and maintenance of public works, including dams and reservoirs for municipal water supply, for water conservation, for flood control, for the prevention of stream pollution, or

for sewage disposal; and in furtherance thereof to acquire by purchase, lease, gift or condemnation the necessary lands, rights-of-way and easements for such projects, and to transfer and convey to the state or federal government, or any agency thereof, such lands, rights-of-way and easements in consideration of the establishment and construction of, and the public benefits which will be derived from any such project.

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

Approved March 7, 1947.

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## CHAPTER 285

H. B. No. 122

(Smart, Baker, Benno, Brickner, Culver, Fleck, Haugland and Sticka)

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### SPECIAL ASSESSMENTS BY SPECIAL ASSESSMENT COMMISSION AN ACT

To amend and reenact Section 40-2307 of the North Dakota Revised Code of 1943; relating to regulations governing determination of special assessments by special assessment commissions, authorizing assessments against property owned by counties, cities, villages, school districts, park districts, and townships, and validating such assessments heretofore made; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 40-2307 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2307. REGULATIONS GOVERNING DETERMINATION OF SPECIAL ASSESSMENTS BY COMMISSION: UNITED STATES GOVERNMENT LAND EXEMPT FROM ASSESSMENTS; POLITICAL SUBDIVISIONS NOT EXEMPT.] Whenever the commission is required to make any special assessment under the provisions of this chapter, the members thereof personally shall inspect any and all lots and parcels of land which may be subject to such special assessment and shall determine from such inspection the particular lots and parcels of land which, in the opinion of the commission, will be especially benefited by the construction of the work for which the assessment

is to be made. The commission shall determine the amount in which each of the lots and parcels of land will be especially benefited by the construction of the work for which such special assessment is to be made, and shall assess against each of such lots and parcels of land such sum, not exceeding the benefits, as shall be necessary to pay its just proportion of the total cost of such work, or of the part thereof which is to be paid by special assessment, including all expenses incurred in making such assessment and publishing necessary notices with reference thereto and the per diem of the commission. Property belonging to the government of the United States shall be exempt from such assessment. Benefited property belonging to counties, cities, villages, school districts, park districts, and townships, shall not be exempt from such assessment, and such public corporations whose property is so assessed shall provide for the payment of such assessments, installments thereof and interest thereon, by the levy of taxes according to law. Nothing in this section shall be deemed to amend other provisions of law with reference to the levy of assessments on property sold for delinquent taxes.

§ 2. VALIDATION OF PRIOR ASSESSMENTS.] In all cases where assessments have been made under the conditions provided by Section 40-2307 of the North Dakota Revised Code of 1943, as amended and reenacted by Section 1 hereof, such assessments are hereby legalized and validated.

§ 3. 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 March 3, 1947.

## CHAPTER 286

H. B. No. 208

(Fleck, Graham, Johnson of Cass and Saumur)

SPECIAL ASSESSMENT IMPROVEMENTS EXPENSES, POWERS  
MUNICIPALITIES

## AN ACT

To amend and reenact section 40-2201 of the North Dakota Revised Code of 1943 relating to the power of municipalities to defray expense of improvements by special assessment, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 40-2201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2201. POWER OF MUNICIPALITIES TO DEFRAY EXPENSE OF IMPROVEMENTS BY SPECIAL ASSESSMENT.] Any municipality, upon complying with the provisions of this chapter, may defray the expense of any or all of the following improvements by special assessments:

1. The construction of a waterworks system, including the construction and erection of pumping stations, settling basins, filtration plants, standpipes, water towers, reservoirs, and other contrivances and structures necessary for a complete waterworks system;
2. The construction of a sewer system, including the construction and erection of all contrivances, appurtenances and structures, and the laying of all mains and pipes necessary for a complete sewer system and the construction, relaying, replacement or repair thereof;
3. The laying, extending, enlarging, relaying, replacing, reconstructing or repairing of water mains and all the contrivances and appurtenances thereto;
4. The grading, graveling, paving, repaving, hard surfacing, resurfacing, resealing, repairing, and curbing of any street, highway, avenue, alley, or public place within the municipality;
5. The construction of gutters upon any street, highway, avenue, alley, or public place within the municipality;

6. The planting of trees, the construction of grass plots and the sowing of grass seed therein, and the maintenance and preservation of such improvements by the watering of such trees and grass, the cutting of such grass, and the trimming of such trees, or otherwise in any manner which may appear necessary and proper to the governing body of the municipality.

§ 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 March 7, 1947.

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## CHAPTER 287

S. B. No. 207—(Day)

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### REFUNDING CALLABLE FUNDING BONDS OR REFUNDING SPECIAL ASSESSMENT WARRANTS

#### AN ACT

To permit the refunding of callable funding bonds or refunding special assessment warrants issued under the provisions of chapter 40-27 of the North Dakota Revised Code of 1943.

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

§ 1. Any municipality may refund, according to the procedure set forth in chapter 40-27 of the North Dakota Revised Code of 1943, any funding bonds or refunding warrants issued under the provisions of said chapter, which are callable prior to maturity or which shall be surrendered voluntarily for refunding, by the issuance of warrants or bonds upon the same terms and conditions except as to interest, whenever by so doing a saving in interest can be affected.

Approved March 20, 1947.



## CHAPTER 288

H. B. No. 1

(Langley and Legislative Research Committee at the request of Bank of North Dakota)

**TAX LEVY FOR DEFICIENCIES IN SPECIAL IMPROVEMENT  
ASSESSMENTS**

**AN ACT**

Amending and reenacting Section 40-2608 of the North Dakota Revised Code of 1943 relating to tax levy to pay deficiencies in special improvement assessments, repealing all acts or parts of acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 40-2608 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

40-2608. MUNICIPALITY LIABLE GENERALLY FOR DEFICIENCIES IN SPECIAL ASSESSMENT FUND.] Whenever all special assessments collected for a special improvement are insufficient to pay the special improvement warrants issued against such improvement, with interest, the governing body, upon the maturity of the last special assessment warrant, shall levy a tax upon all of the taxable property in the municipality for the payment of such deficiency; provided, however, that if at any time prior to the maturity of the last special assessment warrant a deficiency exists in such special improvement fund, the governing body, in its discretion, may levy a general tax upon all the taxable property in the municipality for the payment of such deficiency. In case a balance remains unexpended in such special improvement fund, it shall be paid over or transferred to the general fund of the municipality.

§ 2.] That all acts or parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1947.

## CHAPTER 289

S. B. No. 210—(Foss, Rue, and Sandness)

SURPLUS MUNICIPAL UTILITIES FUND TRANSFERS TO GENERAL  
OR OTHER FUND

## AN ACT

To amend and reenact subsection 2 of section 40-3312 of the North Dakota Revised Code of 1943 relating to surplus in municipal utilities fund, and declaring an emergency.

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

§ 1. AMENDMENT.] That subsection 2 of section 40-3312 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3312.

2. The governing body, at any time during the fiscal year or at various times during the year, may divert and transfer from the surplus in the fund to the general fund of the municipality or to any other fund of the municipality a total sum of not more than twenty per cent of the gross receipts of the municipal utilities for the fiscal year of the municipality during which the transfer or transfers are made.

§ 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 March 20, 1947.

**CHAPTER 290**

H. B. No. 168  
(Klefstad and Saller)

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**VILLAGE MARSHAL APPOINTMENT BY TRUSTEES****AN ACT**

Providing for the appointment of marshal by the board of trustees of an incorporated village, and declaring an emergency.

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

§ 1. **APPOINTMENT OF VILLAGE MARSHAL AUTHORIZED.]**  
The board of trustees of any incorporated village of the State of North Dakota is hereby authorized and empowered to appoint a village marshal, and additional police officers, when deemed necessary to the preservation of the peace of the village, and are hereby authorized and empowered to fix the compensation of such officers. Any officer so appointed, shall qualify by taking oath of office and shall possess all the powers and perform all the duties now provided by law and village regulations

§ 2. **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 10, 1947.

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**CHAPTER 291**

H. B. No. 167—(Klefstad and Saller)

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**VILLAGE OFFICERS, WHEN ELECTED—COMBINING OFFICES****AN ACT**

To amend and reenact Section 40-0708 of the North Dakota Revised Code of 1943 relating to officers of village; when elected; combining offices, and declaring an emergency.

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

§ 1. **AMENDMENT.** That Section 40-0708 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0708. OFFICERS OF VILLAGE: WHEN ELECTED: COMBINING OFFICES.] A village clerk, assessor, treasurer, and justice of the peace shall be elected at the first village election after incorporation and annually thereafter, and shall hold their respective offices until the third Tuesday in March following, or until their successors are elected and qualified. Any two or more of such offices may be held by one and the same person.

§ 2 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 10, 1947.

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## CHAPTER 292

H. B. No. 165  
(Brady, Fleck and Smart)

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### REGISTRATION OF VOTERS IN MUNICIPALITIES

#### AN ACT

To amend and reenact section 40-2110 of the North Dakota Revised Code of 1943 providing for the registration of voters in municipalities.

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

§ 1. AMENDMENT.] Section 40-2110 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2110. REGISTRATION OF VOTERS IN MUNICIPALITIES.] In municipalities containing fifteen hundred or more inhabitants according to the last state or federal census, the governing body of the municipality shall provide for the registration of all voters. Such registration may be carried out by the board of registration of each election precinct in the manner required by Chapter 16-02 of the North Dakota Revised Code of 1943 or in lieu thereof the governing body of the municipality may provide for the registration of voters at one central polling place and shall designate a registration board for such purpose. Separate registration lists shall be provided and kept for each precinct in cities wherein the voters are registered. In municipalities where the registration of voters is not required by the laws of this state, the

governing body of the municipality may require the registration of voters at one polling place.

Approved March 7, 1947.

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## OCCUPATIONS AND PROFESSIONS

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### CHAPTER 293

H. B. No. 39

(Langley and Research Committee at request of Board of Barber  
Examiners)

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#### APPRENTICE BARBER REGISTRATION

##### AN ACT

To amend and reenact Section 43-0422 of the North Dakota Revised Code of 1943, regulating apprentice barbers, providing certificates of registration required and defining the powers of an apprentice barber.

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

§ 1. AMENDMENT.] That Section 43-0422 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0422. APPRENTICE BARBER: CERTIFICATE OF REGISTRATION REQUIRED: POWERS OF.] A person may not serve as an apprentice barber unless he:

1. Has a certificate of registration and is registered as an apprentice or has a permit to work as an apprentice barber; and
2. Is under the immediate supervision of a registered barber.

The certificate of registration of an apprentice, as required in Subsection 1 of this section, shall be annulled three years after the person first makes his application as an apprentice. An apprentice barber may do any or all of the acts constituting the practice of barbering. Not more than one apprentice shall be employed in any one barber shop,

Approved February 20, 1947.