

STATE GOVERNMENT

CHAPTER 309

H. B. No. 663

(Brooks, Baldwin, Simonson, Stockman)

JOINT EXERCISE OF GOVERNMENTAL POWERS

AN ACT

To provide for the joint exercise of powers of two or more governmental units or municipal corporations, including every city, village, county, town, park district, school district, and states and United States governments and departments of each thereof; and also to provide that two or more of such governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any of their respective separate powers or any power common to such contracting parties or any similar powers; to provide for disbursements from public funds, including funds already raised to buy real estate for public buildings and other proper funds or properties already on hand; repealing all acts or parts of acts in conflict herewith; and declaring an emergency.

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

§ 1. Agreement.) Two or more governmental units or municipal corporations having in common any portion of their territory or boundary, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise their respective separate powers, or any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised for the purpose of acquiring, constructing and maintaining any building for their joint use in providing office space or related facilities for their administrative and judicial functions of government or for providing for the operation and facilities. The term "governmental unit" as used in this action includes and means every city, village, county, town, park district, school district, states and United States governments and departments of each thereof, and all other political subdivisions even though not specifically named or referred to herein.

§ 2. Agreement To State Purpose.) Such agreement shall state the purpose of the agreement or the power or powers to be exercised, and it shall provide for the method by which the purpose sought shall be accomplished or the manner in which the power or powers shall be exercised.

§ 3. Disbursement Of Funds.) The parties to such agreement may provide for disbursements from public funds, including funds already raised to buy real estate for public buildings and other proper funds or properties already on hand, to carry out the purposes of the agreement. Funds may be paid to and disbursed by such agency as may be agreed upon, but the method of disbursement shall agree as far as practicable with the method provided by law for the disbursement of funds by the parties to the agreement. Strict accountability of all funds and report of all receipts and disbursements shall be provided for.

§ 4. Termination Of Agreement.) Such agreement may be continued for a definite term or until rescinded or terminated in accordance with its terms.

§ 5. Shall Provide For Distribution Of Property.) Such agreement shall provide for the disposition of any property acquired as the result of such joint or cooperative exercise of powers, and the return of any surplus moneys in proportion to contributions of the several contracting parties after the purpose of the agreement has been completed.

§ 6. Residence Requirement.) Residence requirements for holding office in any governmental unit shall not apply to any officer appointed to carry out any such agreement.

§ 7. Not To Affect Other Acts.) This section does not dispense with procedural requirements of any other act providing for the joint or cooperative exercise of any governmental power.

§ 8.) If any section, subsection, clause, sentence, or phrase of this Act is, for any reason, held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act, and the legislature hereby declares that it would have passed this Act and each section, subsection, clause, sentence or phrase hereof irrespective of whether one or more of the sections, subsections, clauses, sentences or phrases be declared unconstitutional.

§ 9.) All acts or parts of acts in conflict herewith are hereby repealed.

§ 10. 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 11, 1955.

CHAPTER 310

S. B. No. 43
(Legislative Research Committee)
(By Request)

CLAIMS AGAINST THE STATE OF NORTH DAKOTA

AN ACT

To amend and reenact section 54-1404 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to claims against the state of North Dakota.

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

§ 1. **Amendment.)** Section 54-1404 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1404. Claim Against State Filed With State Auditing Board; Verification Of Claim; Receipt For Expenditures.) No bill, claim, account, or demand against the state shall be audited, allowed, or paid until a full itemized statement in writing has been filed with the state auditing board, unless such bill, claim, account, or demand is:

1. For a salary fixed by law;
2. Against a state owned utility, enterprise, or business project; or
3. Specifically exempt by law.

Where charges are made for money expended in the performance of official duties, all items of one dollar or more so expended and charged for, shall be covered by a sub-voucher or receipt, which shall be signed by the person to whom the money was paid; provided, however, that no sub-voucher or receipt shall be required for meals, and further provided that where charges are made for money expended outside the state of North Dakota in the performance of official duties in any amount, such sub-voucher or receipt shall not be required. The sub-voucher or receipt shall show at what place, on what date, and for what, the money expended was paid. The sub-vouchers or receipts shall be forwarded with the bill, claim, account, or demand against the state. The bill, claim, account, or demand shall be verified further by the certificate of the party presenting it 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 purpose therein stated; that the services therein charged were actually rendered and are of the value therein charged; 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.

Approved March 3, 1955.

CHAPTER 311

H. B. No. 704

(Nygard, Beede, R. Thompson, Haugland,)
(Brown and Rosberg)

INDUSTRIAL COMMISSION—RIVERDALE PLANNING (APPROPRIATION)

AN ACT

To authorize the industrial commission to deal with the federal government or its agencies in the disposition and utilization of government owned properties at Riverdale, North Dakota, to designate the industrial commission as a state agency authorized to cooperate under the Housing Act of 1954, authorizing the commission to apply for, receive and disburse planning funds, and making an appropriation therefor.

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

§ 1. Industrial Commission Authorized To Acquire And Dispose Of Riverdale Sites, Properties And Facilities.) The industrial commission of the state of North Dakota is hereby authorized, as the agent of the state of North Dakota, to contract with the United States of America, or any department or agency thereof, for the purpose of acquiring all or part of such lands, improvements, facilities and other properties in or adjacent to the federally owned community of Riverdale, North Dakota, as may be vacated, transferred or disposed of by the United States of America, and which are, in the discretion of the industrial commission, necessary to the health, welfare and education of the inhabitants of that community, or which may be used or useful in the development of commer-

cial and industrial activities therein. The industrial commission may dispose of all lands, improvements, facilities and properties so acquired, separately or severally, by lease, or sale, or otherwise, as the commission shall deem proper and for the best interest of the community and the state.

§ 2. Commission Authorized To Act As Planning Agency Of State And To Negotiate And Contract With Federal Housing Administration.) For the purposes of this Act, the industrial commission of the state of North Dakota is hereby designated as the state planning agency, and is authorized to negotiate and contract with the federal housing and home finance administrator, under the provisions of the Housing Act of 1954, and all acts amendatory thereof and supplementary thereto, in all matters pertaining to or affecting planning work for the development and construction of public works in the community of Riverdale, when acquired. The plan of the industrial commission for any improvement or development in Riverdale shall be considered as the approved plan or plans therefor of the state of North Dakota.

§ 3. Commission Authorized To Apply For, Receive And Disburse Federal Planning Funds, And To Establish Separate Planning Account.) The industrial commission is hereby authorized to apply for, receive and disburse federal funds for the purpose of advance planning of improvements and public works in Riverdale, when acquired. Such funds shall be used to aid in financing the cost of economic engineering and architectural surveys, land use studies, urban renewal plans, designs, plans, working drawings, specifications, technical services, or other action preliminary to and in preparation for urban planning and for the construction of such improvements or public works. Subsequent to approval and prior to disbursement of any federal funds for the purpose of advance planning, the industrial commission shall establish a separate planning account into which all federal and applicant funds estimated to be required for plan preparation shall be placed, and out of which the expenses of such planning shall be paid.

§ 4. Appropriation.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars for the biennium beginning July 1, 1955 and ending June 30, 1957, or so much thereof as may be necessary for the purpose of paying the operating expense of the industrial commission in carrying out the provisions of this Act.

Approved March 11, 1955.

CHAPTER 312

S. B. No. 196
(Duffy)

BOARD OF ADMINISTRATION; DEAF SCHOOL LAND SALE

AN ACT

Authorizing the board of administration to sell certain lands belonging to the school for the deaf.

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

§ 1.) It is hereby found and determined that approximately twenty acres of the farm owned by the state and heretofore operated in connection with the school for the deaf at Devils Lake is no longer operated by said school and is no longer required for the use of the state and such lands can be profitably platted as part of the city of Devils Lake and sold for residential purposes and that it will be advantageous to dispose of such surplus acreage.

§ 2.) The board of administration is hereby authorized to sell so much of the lands owned by the state of North Dakota and located in section twenty-seven in township one hundred fifty-four north of range sixty-four as the said board may deem advisable but not exceeding twenty acres.

§ 3.) The board of administration is hereby authorized to cause the lands so selected by it to be platted into blocks and lots and to cause the same to be sold in such parcels as the board may determine. All sales shall be reported to the governor and if approved by him, he shall execute proper conveyances to the purchasers, such conveyances to be attested by the secretary of state and to be delivered to the several purchasers on payment of the purchase price.

§ 4.) The proceeds of such sale or sales shall be covered into the state treasury for the use of said school for the deaf, after paying all costs incurred for the surveying, platting, recording, selling and transferring title to the purchasers out of the proceeds of such sale or sales.

Approved March 3, 1955.

CHAPTER 313

S. B. No. 38

(Legislative Research Committee)

POSTPONEMENT OF STATE CENSUS UNTIL 1965

AN ACT

To amend and reenact section 54-2601 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the state census.

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

§ 1. **Amendment.)** Section 54-2601 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-2601. When Enumeration Of Inhabitants To Be Taken.) An enumeration of the inhabitants of this state, and of each county, city, village, and township thereof shall be taken in the year nineteen hundred sixty-five, and during every tenth year thereafter, under the direction of the secretary of state.

Approved March 3, 1955.

CHAPTER 314

H. B. No. 594
(Rohde and Mollet)

INDIAN AFFAIRS COMMISSION; MEMBERS

AN ACT

To amend and reenact section 54-3601 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the Indian affairs commission.

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

§ 1. **Amendment.)** Section 54-3601 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-3601. Commission: Created; Members; Officers; Expenses Of Certain Members.) There is hereby created a North Dakota Indian affairs commission which shall consist of the governor, commissioner of agriculture and labor, superintendent of public instruction, executive director of the public welfare board of North Dakota, state health officer, director of the North Dakota state employment service, and the chairmen of the boards of county commissioners of Sioux, Mercer, McLean, McKenzie, Dunn, Rolette, Benson, Mountrail and Eddy counties. The governor shall act as chairman of the commission and the commission shall select one of its members as secretary. The chairmen of the boards of county commissioners who are members of the commission shall receive the mileage and expenses allowed state officers which shall be paid from the appropriation made to such commission.

Approved February 23, 1955.