

TOWNSHIPS

CHAPTER 538

H.B. No. 106

(Giffey, Opedahl, Goodman, Ganser)

TOWNSHIP MEETINGS AND ELECTIONS

AN ACT

To amend and reenact sections 58-02-14, 58-02-21, 58-04-01, and 58-04-19 of the North Dakota Century Code, relating to the places in which township meetings and elections may be held.

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

Section 1. Amendment.) Section 58-02-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-02-14. Consolidating Townships—Majority of Supervisors and Clerks of Townships Affected Determine Amount Due.) When a township or a fraction of a township has been attached to another township, the several boards of township supervisors and the clerks of the townships affected by the change shall meet prior to the annual township meeting at the usual meeting place of the township to which the annexation has been made or at a location mutually agreed upon in the township to which the annexation has been made or in an adjacent township, and upon notice of such meeting given by the clerk thereof, for the purpose of determining the amount due to the township to which the annexation has been made. All questions arising at such meeting shall be determined by a majority vote of the members of the boards of township supervisors and the clerks present at such meeting.

Section 2. Amendment.) Section 58-02-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-02-21. Petition for and Notice of Application for Division—Publication.) A petition for the division of a township as provided in section 58-02-19, addressed to the board of county com-

missioners and signed by a majority of the legal voters residing within the proposed township may be presented to the board at any regular meeting thereof. Notice of the time and place of the hearing on such petition shall be given at least thirty days prior to such hearing by the publication of such notice at least three times in the newspaper in which the proceedings of the board of county commissioners are published, or if there is no such newspaper, the notice shall be posted in at least three public places in the proposed new township and in at least three public places in the remainder of the township affected by the division. One of such notices shall be posted at the place where the last township election was held for the township from which the separation is sought.

Section 3. Amendment.) Section 58-04-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-04-01. Annual Township Meeting—When Held—Change in Meeting Place—Notice.) The electors of each township annually shall assemble and hold a township meeting on the third Tuesday in March at such place in the township or in an adjacent township as the board of township supervisors thereof shall designate. Notice of the time and place of holding the meeting shall be given by the township clerk by posting written or printed notices in the three most public places in the township at least ten days prior to the meeting. Before a change in the place of holding the annual township meeting is made, notice of the contemplated change may be given by any member of the board of township supervisors to the township clerk, who shall incorporate in his regularly printed or written notices, the special notice of the contemplated change of the place of holding such meeting; provided, that where an incorporated city is wholly or partially within the boundaries of the township or an adjacent township, all township meetings may be held in such place within such incorporated city, as the board of township supervisors thereof may designate.

Section 4. Amendment.) Section 58-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-04-19. Special Meeting When Officers Not Elected at Annual Meeting.) If a township meeting is not held for the purpose of organizing and electing its officers at the time fixed by law

for holding the annual township meeting, a special township meeting for that purpose shall be called by the township clerk. Such meeting shall be held within the township or in an adjacent township. If notice of such meeting is not given by the clerk within ten days, any three electors of the township may call such meeting. Notices setting forth the time, place, and object of the meeting shall be posted in the three most public places in the township, at least five days prior to the meeting. The electors, when assembled by virtue of such notice, shall possess all the powers conferred upon electors at the regular annual township meeting.

Approved March 28, 1969.

S. B. No. 332
(L. Larson, Pyle)

MERGING OF TOWNSHIP OFFICES

AN ACT

To amend and reenact sections 58-04-05, 58-05-02, 58-07-01, 58-07-02, subsections 7, 9, and 10 of section 58-07-03, and section 58-08-05 of the North Dakota Century Code, relating to the merging of the offices of township clerk and treasurer upon a vote of a majority of electors in the township.

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

Section 1. Amendment.) Section 58-04-05 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-04-05. Organization of Annual or Special Meetings.) The electors present at one o'clock p.m. on the day of the annual or special meeting shall be called to order by the township clerk, or if he is not present, the voters may elect by acclamation one of their number to act as chairman for the purpose of calling the meeting to order and to act as clerk after the selection of a moderator. The voters shall elect by acclamation three of their number as judges, and such judges shall be sworn and shall act as the judges of the qualifications of township electors. The electors shall proceed to choose one of their number to preside as moderator of the meeting. The clerk of the township if present, or in his absence, the clerk of the meeting, shall keep full minutes of its proceedings in which he shall enter at length every order, direction, rule, and regulation made by the meeting. The moderator shall close the meeting at five o'clock p.m. The positions of moderator, clerk, and the three judges shall be separate and distinct positions and no such positions shall be held by the same person. The moderator, clerk, and the three judges each shall be entitled to a salary of eight dollars per day for each day actually expended in the performance of their duties. Such salary shall be paid out of township funds made available for such purpose. However, in those townships in which the offices of township clerk and treasurer have been merged, the person holding such office shall receive compensation as provided by law as township treasurer only, and shall

not receive additional compensation for his duties as clerk.

Section 2. Amendment.) Section 58-05-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-05-02. Officers of a Township—Terms of Office.) The elected officers of a civil township shall be:

1. Three supervisors;
2. One township clerk;
3. One assessor;
4. One treasurer; and
5. Two constables.

One supervisor shall be elected at each annual township meeting and shall hold his office for a term of three years. The other elective officers shall be elected every two years and shall hold their respective offices for a term of two years. Each officer shall serve until his successor is elected and qualified. The same person may hold the offices of township clerk and treasurer if a majority of the electors present vote in favor of the merging of such offices at the annual township meeting. The person elected to fill the merged office shall perform all of the duties required of both the township clerk and treasurer except as otherwise specifically provided by law.

Section 3. Amendment.) Section 58-07-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-07-01. Compensation and Fees of Clerk.) The township clerk shall receive as compensation for his services six dollars a day for each day necessarily devoted to the work of his office. He shall receive as reimbursement for expenses eight and one-half cents per mile for each mile actually and necessarily traveled in the performance of his duties. He shall be paid fees and not per diem for the following services:

1. For serving notices of election upon township officers, twenty-five cents each;

2. For filing any papers required to be filed in this office, ten cents each;
3. For posting notices required by law, twenty-five cents each;
4. For recording any order, instrument, or writing authorized by law, ten cents for each one hundred words; and
5. For copying any record or instrument on file in his office and certifying the same, ten cents for each one hundred words to be paid by the person applying for the same.

In those townships in which the offices of township clerk and treasurer have been merged, the person elected to fill the new office shall receive compensation as township treasurer only.

Section 4. Amendment.) Section 58-07-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-07-02. Clerk May Appoint Deputy—Deputy To Take Oath.)

The township clerk may appoint a deputy for whose acts he shall be responsible. Before a deputy clerk enters upon the duties of his office, he shall take and subscribe the oath required by the North Dakota Constitution and shall file the same in the office of the clerk of the district court. In those townships in which the offices of township clerk and treasurer have been merged, the person elected to fill the new office shall appoint a deputy only after receiving the approval of the board of township supervisors.

Section 5. Amendment.) Subsections 7, 9, and 10 of section 58-07-03 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

7. Preserve and record the annual statement of the treasurer, except that in those townships in which the offices of township clerk and treasurer have been merged, the person elected to fill the new office shall file a copy of the annual treasurer's statement with the chairman of the board of township supervisors;
9. Make a record of all statements of the remittances of

any township funds from the county treasurer to the township treasurer as such statements are mailed to him by the county treasurer, except that in those townships in which the offices of township clerk and treasurer have been merged, the person elected to fill the new office shall make a record of all statements of the remittances of any township funds from the county treasurer to the township treasurer and shall file such statements with the chairman of the board of township supervisors;

10. Keep an account of the township funds in the same manner as is required of the township treasurer, except that in those townships in which the offices of township clerk and treasurer have been merged, the person elected to fill the office shall keep an account of the township funds and shall report the balance of such funds to the chairman of the board of township supervisors no less frequently than every sixty days;

Section 6. Amendment.) Section 58-08-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-08-05. Treasurer To Make Annual Statement—Contents—Where Filed.) Within five days preceding the annual township meeting, each township treasurer shall prepare a written statement of the moneys received from the county treasurer and other officers and persons and of all moneys paid out by him as treasurer. He shall set forth particularly from whom and on what account he received the moneys, with the amount received from each officer or person and the date of receiving the same, and to whom and for what purpose he paid out any moneys, with the amount and date of each payment. He shall state the amount of moneys remaining in his hands as treasurer. He shall file the statement in the office of the township clerk, except that if the offices of township clerk and treasurer have been merged, such statement shall be filed with the chairman of the board of township supervisors. A duplicate of the statement at the same time shall be filed by the township treasurer with the county auditor of his county.

Approved March 8, 1969.

H. B. No. 316
(L. Larson)

TAX LEVY FOR TOWNSHIP PARK

AN ACT

To authorize townships to provide for and maintain parks and to authorize the levy of a tax for the support thereof.

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

Section 1. Townships—Authority to Acquire, Operate, and Regulate Parks.) Any township may acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police any park either within or without the geographic limits of such township, and may use for such purposes any available property owned or controlled, or occupied for the purpose or purposes enumerated in this Act. Any such park shall be declared to be acquired, owned, leased, controlled, or occupied for a public purpose in accordance with public need.

Section 2. Townships—Parks—Tax Levy for Park Purposes.) In townships supporting parks, a levy in addition to all other levies permitted by law, not to exceed two mills of the net taxable valuation of property in such township, may be made for such purposes, but such levies shall not apply to property in any city or park district which levies for park district purposes.

Section 3. Townships—Parks—Tax Levy May Be Certified by Board of Supervisors.) The board of township supervisors may certify annually to the county auditor the amount of tax to be levied by such township for park purposes in the same manner as provided by law for other township levies. The proceeds of such taxes shall be deposited in a special fund or account into which other park revenues of the township are deposited and may be expended by the township only for park purposes.

Approved March 10, 1969.