

Sixty-second  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1076**

Introduced by

Representative DeKrey

1 A BILL for an Act to amend and reenact section 40-38-03 of the North Dakota Century Code,  
2 relating to compensation of members of public library boards; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 40-38-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **40-38-03. Board of directors - Appointment - Term of office - ~~No~~**  
7 **~~compensation~~ Compensation - Filling vacancies - Organization.**

8 1. The governing body of a municipality ~~which~~that has established a public library and  
9 reading room, or the board of county commissioners for a county library, shall appoint  
10 a board of five directors who must be residents of the municipality or county, as the  
11 case may be, to govern ~~such~~the library and reading room. One member of the  
12 governing body of the municipality or designated representative ~~shall~~must be a  
13 member of the board of directors of a municipal library, and must be a resident of the  
14 municipality ~~which~~that establishes and maintains ~~such~~the municipal library; and one  
15 member of the board of county commissioners or designated representative ~~shall~~must  
16 be a member of the county board of directors.

17 2. The terms of office of the members of the first board of directors must be established  
18 so one member ~~shall hold~~holds office for one year, two members ~~shall~~ hold office for  
19 two years, and two members ~~shall~~ hold office for three years. The members, at their  
20 first meeting, shall determine the length of their respective terms by lot. Thereafter, the  
21 number of directors required to fill expired terms ~~shall~~must be appointed each year,  
22 and each ~~such~~ director ~~shall~~may hold office for a term of three years from the first day  
23 of July in the year of appointment and until a successor has been appointed. No  
24 member of ~~such~~the board ~~shall~~may serve for more than two consecutive terms, after

1           which an interval of one year must elapse before the same member may be  
2           reappointed. All vacancies on the board of directors ~~shall~~must be reported by suchthe  
3           board to the governing body of the municipality or the board of county commissioners,  
4           as the case may be, and ~~shall~~must be filled thereby. ~~However, a member of any~~  
5           ~~municipal board of directors of a public library and reading room who was appointed to~~  
6           ~~such position by a school board prior to July 1, 1975, may serve upon such board for~~  
7           ~~the residue of the member's unexpired term unless such position shall otherwise~~  
8           ~~become vacant. Appointments made~~An appointment to fill an unexpired terms  
9           ~~shall~~term may be for the residue of the term only.

10        3. A director is entitled to payment for mileage and travel expenses as provided for in  
11        sections 44-08-04 and 54-06-09. No other compensation shallmay be paid or allowed  
12        to a director unless the governing body of the municipality or the board of county  
13        commissioners provides by ordinance or by resolution for the payment of  
14        compensation for members of the board of directors.

15        4. Immediately after the appointment of its members, the board of directors shall meet  
16        and organize by electing a president. The governing board of a municipality or county  
17        establishing public library service may, in lieu of appointing a library board, contract  
18        directly with a library board established by another governing body of a municipality or  
19        county for the purpose of extending public library service.

20        **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.