

# TOWNSHIPS

## CHAPTER 491

HOUSE BILL NO. 1067  
(Eagles)

### TOWNSHIP ELECTIONS

AN ACT to amend and reenact section 58-04-05 of the North Dakota Century Code, relating to the extension of voting hours at township elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 58-04-05 of the 1971 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. However, the township board, either upon its own resolution, or upon receipt of a petition signed by twenty percent of the township voters who voted in the last township election, shall extend the meeting and voting hours to eight 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.

Approved March 26, 1973

## CHAPTER 492

HOUSE BILL NO. 1300  
(Hentges, Dornacker)

## APPOINTMENT OF TOWNSHIP ASSESSORS

AN ACT to amend and reenact sections 58-04-10, 58-05-02, and 58-05-18 of the North Dakota Century Code, relating to the appointment of township assessors; and to repeal section 58-09-01 of the North Dakota Century Code, relating to the requirement that township assessors be electors and owners of property in their township.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 58-04-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 58-04-10. OFFICERS TO BE ELECTED BY BALLOT.) The supervisors, treasurer, clerk, and constables in each township shall be elected by ballot. All other officers, if not otherwise provided by law, shall be chosen either by yeas and nays or by a division as the electors determine.

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 treasurer; and
4. 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

\*NOTE: Section 58-04-10 was also amended by section 2 of House Bill No. 1465, chapter 450.

\*NOTE: Section 58-05-02 was also amended by section 1 of House Bill No. 1102, chapter 493.

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. The board of township supervisors shall appoint a township assessor for a four year term of office, the first term commencing on January 1, 1974. If a majority of the electors present and voting at an annual township meeting vote in favor of abolishing the office of assessor, such office shall thereby be abolished. If the office of assessor is abolished, the township clerk shall within five days of such election certify that result to the county auditor and to the county director of tax equalization. The county director of tax equalization, or county assessor shall then succeed to all of the powers and duties of the assessor that pertain to the assessment of property for taxation purposes.

SECTION 3. AMENDMENT.) Section 58-05-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 58-05-18. WHEN COUNTY AUDITOR TO APPOINT TOWNSHIP ASSESSOR.) If a township assessor is appointed and fails or refuses to qualify or to discharge the duties of his office, or if the board of township supervisors and the board of county commissioners fail or refuse to appoint such officer for the township on or before the fifteenth day of April of the year for which he is to serve, the county auditor shall appoint a township assessor.

\* SECTION 4. REPEAL.) Section 58-09-01 of the North Dakota Century Code is hereby repealed.

Approved March 28, 1973

\*NOTE: Section 58-05-18 was also amended by section 2 of House Bill No. 1102, chapter 493.

\*NOTE: Section 58-09-01 was also repealed by section 4 of House Bill No. 1465, chapter 450.

## CHAPTER 493

HOUSE BILL NO. 1102  
(Fleming)

## CONTRACTING FOR TOWNSHIP ASSESSORS

AN ACT to amend and reenact sections 58-05-02 and 58-05-18 of the North Dakota Century Code, relating to the office of township assessor and authorizing townships to contract for the performance of the duties of the assessor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. 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 except as herein provided;
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. If a majority of the electors present and voting at an annual township meeting vote in favor of making the office of assessor appointive, the board of township supervisors shall appoint a township assessor for a four year term of office,

\*NOTE: Section 58-05-02 was also amended by section 2 of House Bill No. 1300, chapter 492.

the first term commencing on January 1, 1974. In lieu of electing or appointing a township assessor, the board of township supervisors, if authorized by a majority of the electors present and voting at an annual township meeting, may on behalf of the township contract with the county in which the township is located or with any other political subdivision or with any individual to perform the duties of and have the powers of the township assessor. The length and terms of such a contract shall be negotiated by the board of township supervisors with the governing body of the county or other political subdivision or with the individual, as the case may be, and the township is hereby authorized to make such payments as may be provided for in the contract. The electors of any township in which the office of township assessor was abolished prior to July 1, 1973, shall, at the next annual township meeting, elect a township assessor or authorize the board of township supervisors to appoint a township assessor or to contract for the making of the assessment as hereinbefore provided. The township electors may by majority vote of those present and voting at an annual township meeting change the previously adopted method of providing for the assessment to either of the other two methods authorized in this section but such change shall not become effective until expiration of the term of office of the assessor or until a vacancy occurs in the office of assessor or until expiration of the contract for making the assessments, whichever is applicable according to the method of providing for the assessment that was previously adopted.

SECTION 2. AMENDMENT.) Section 58-05-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 58-05-18. WHEN COUNTY AUDITOR TO APPOINT TOWNSHIP ASSESSOR.) If a township assessor is elected or appointed and fails or refuses to qualify or to discharge the duties of his office, or if the electors of a township have provided that the assessor shall be elected but fail for any reason to elect an assessor, and the board of township supervisors and the board of county commissioners fail or refuse to appoint such officer for the township on or before the fifteenth day of April of the year for which he is to serve or if the electors of a township have authorized the assessment to be contracted for as provided in section 58-05-02 and the board of township supervisors fails or refuses to enter into such a contract by the fifteenth day of April, the county auditor shall appoint an assessor for the township.

Approved March 27, 1973

\*NOTE: Section 58-05-18 was also amended by section 3 of House Bill No. 1300, chapter 492.

## CHAPTER 494

SENATE BILL NO. 2235  
(Sandness)

## COMPENSATION OF TOWNSHIP OFFICERS

AN ACT to amend and reenact sections 58-06-02, 58-07-01, and 58-08-01 of the North Dakota Century Code, relating to compensation of township supervisors, clerks, and treasurers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 58-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-06-02. COMPENSATION OF SUPERVISORS.) A township supervisor shall receive as compensation for his services ten dollars a day for each day necessarily devoted to the work of his office and ten cents per mile for each mile necessarily traveled in the performance of his duties, but his compensation shall not exceed one hundred and fifty dollars in any one year.

SECTION 2. 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 ten dollars a day for each day necessarily devoted to the work of his office. He shall receive as reimbursement for expenses ten 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 his 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 3. AMENDMENT.) Section 58-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-08-01. COMPENSATION.) Each township treasurer shall receive for his services ten dollars a day for each day necessarily devoted to the work of his office and ten cents for each mile necessarily traveled in the performance of his duties. He shall not receive more than one hundred and fifty dollars in any one year nor shall he be allowed a percentage on the balance turned over by him to his successor in office.

Approved March 9, 1973