

FIRST ENGROSSMENT
with House Amendments

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2359

Introduced by

Senators Cook, Nodland

Representatives R. Kelsch, J. Kelsh

1 A BILL for an Act to amend and reenact sections 11-11-05, 11-28-01, 11-28-02, 11-28-03, and
2 11-28-04 of the North Dakota Century Code, relating to the time and place of county
3 commission meetings and the board of county park commissioners; and to declare an
4 emergency.

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

6 **SECTION 1. AMENDMENT.** Section 11-11-05 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **11-11-05. Meetings of board - Time and place.** The board of county commissioners
9 shall meet and hold ~~sessions~~ regular meetings for the transaction of business at ~~the~~
10 ~~courthouse, or at the usual place of holding court, in the first week of January, April, July, and~~
11 ~~October of each year, and may adjourn such meetings from time to time~~ a time and place to be
12 designated by the commission on a date certain established by resolution or ordinance of the
13 commission. The county auditor shall have power to call special ~~sessions~~ meetings when the
14 interests of the county demand it. The chairman of the board, or a majority of the members
15 thereof, may call special ~~sessions upon giving five days' notice of the time and object of the~~
16 ~~meeting by publishing the notice in the official newspaper of the county, or by giving personal~~
17 ~~notice, in writing, to all the members of the board~~ meetings that must be noticed in accordance
18 with section 44-04-20.

19 **SECTION 2. AMENDMENT.** Section 11-28-01 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **11-28-01. Board of county park commissioners - Appointment by county**
22 **commissioners - Number.** ~~The members of the board of county commissioners and shall~~
23 establish a five-member to seven-member board of county park commissioners consisting of at
24 least two members of the county commission and at least two resident citizens of the county

1 ~~appointed by the board of county commissioners shall constitute the board of county park~~
2 ~~commissioners.~~

3 **SECTION 3. AMENDMENT.** Section 11-28-02 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **11-28-02. Eligibility for appointment - Term - Vacancy - Compensation.** Any
6 resident citizen of the county, including county, city, and township officers, is eligible for
7 appointment to the board of county park commissioners. Each appointed county park
8 commissioner shall hold office for a term of three years, or until a successor is appointed and
9 qualified. Any vacancy in the board must be filled for the unexpired term by appointment by the
10 board of county commissioners as soon as practicable. Each member of the county park board
11 is entitled to receive the same compensation for services for each day actually engaged in the
12 performance of the duties of the office as that paid a county commissioner but not to exceed a
13 total of twenty-four days in any one year, and is entitled to reimbursement for actual necessary
14 expenses incurred in the performance of the member's duties. ~~The~~ Unless otherwise agreed
15 upon, the board of county park commissioners shall meet at the time of the regular meetings of
16 the board of county commissioners upon the order of the chairman, and appointed members
17 only are entitled to compensation for attendance at the concurrent meetings.

18 **SECTION 4. AMENDMENT.** Section 11-28-03 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **11-28-03. County auditor, county treasurer, and state's attorney shall serve**
21 **board.** The county auditor or other official designated by the board shall serve as secretary of
22 the board of county park commissioners and the county treasurer shall serve as treasurer of
23 the board and custodian of all its funds from whatever source received. Such funds shall be
24 placed in a separate fund and shall not be diverted to any other use or purpose. The state's
25 attorney of the county shall act as legal adviser to the board and shall prosecute and defend
26 any and all actions brought by or against said board. Neither the county auditor nor official
27 designee, the county treasurer, nor the state's attorney shall receive any additional
28 compensation for acting in their respective capacities.

29 **SECTION 5. AMENDMENT.** Section 11-28-04 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **11-28-04. Organization of board - Quorum - Meetings.** Within twenty days after the
2 appointment of the board of county park commissioners, and within twenty days after any
3 change in its personnel, the board shall meet ~~in the courthouse of the county~~ and shall organize
4 by selecting one of its members as chairman. ~~Two thirds of the members of the board shall~~
5 ~~constitute a quorum at any meeting thereof.~~ One-half or more of the members constitutes a
6 quorum of the board. The board shall hold such meetings as may be required for the
7 transaction of its business and activities. ~~Meetings shall~~ If the board decides to hold meetings
8 at a time other than the time for regular meetings of the board of county commissioners, the
9 board shall draft a schedule of regular meetings to be held throughout the year. The schedule
10 must be filed with the county auditor and the meetings must be noticed in accordance with
11 section 44-04-20. A special or emergency meeting may be called by the secretary upon the
12 order of the chairman, or upon the written request of the majority of the board with notice
13 provided in accordance with section 44-04-20. Such order or written request shall be entered
14 on the minutes of the meeting so called. Notice of such meeting shall be delivered or mailed to
15 each member at least five days prior to the date of the meeting. A meeting of the board may be
16 called at any time by the chairman without notice and such meeting shall be legal and valid if
17 attended by all members of the board.

18 **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.