

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 ~~such~~the
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.