

CHAPTER 116

House Bill No. 239

(Haugen of McLean, Lindberg, Erickson and Maher)

ADOPTION STATUTORY PROVISIONS GOVERNING MUTUAL AID
CORPORATIONS BY CORPORATIONS, ETC. ORGANIZED
UNDER PREVIOUS STATUTES

AN ACT

Authorizing any corporation or association organized under previously existing statutes, to adopt and be bound by the provisions of chapter 10-12 of the North Dakota Revised Code of 1943, relating to mutual aid corporations.

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

SECTION 1.) Any corporation or association organized and incorporated under previously existing statutes having not less than five stockholders or members, which, by a majority vote of its stockholders or members, shall amend its articles of incorporation to provide for the acceptance of the provisions of chapter 10-12 of the North Dakota Revised Code of 1949, shall have the benefit and shall be bound by all the provisions of such chapter, upon filing with the secretary of state a certificate signed by its president and secretary setting forth such amendment and the vote by which it was adopted.

Approved March 10, 1949.

COUNTIES

CHAPTER 117

Senate Bill No. 178

(Blume, Troxel and Solberg)

COUNTY REDISTRICTING

AN ACT

To amend and reenact section 11-0704 of the North Dakota Revised Code of 1943 relating to the redistricting of counties.

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

SECTION 1. AMENDMENT.) Section 11-0704 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-0704. HOW COUNTY REDISTRICTED.) In redistricting a county, the redistricting board shall make the districts as regular and compact in form as practicable, and as nearly equal in population as possible. The equality of population in the districts shall be determined by the vote cast at the last preceding general election. No new district shall be so formed that any two of the then acting commissioners shall reside in the same district, nor shall any county be so redistricted that any municipality therein shall form any part of a majority of the commissioner districts in such county.

Approved February 26, 1949.

CHAPTER 118

Senate Bill No. 5
(Legislative Research Committee)

BOND COUNTY JUSTICE OF PEACE

AN ACT

To correct a typographical error appearing in subsection 8 of section 11-1006 of the North Dakota Revised Code of 1943.

The bond of a county justice of the peace has always been five hundred dollars, and by typographical error in the printing of the North Dakota Revised Code of 1943 the amount of such bond appears as five thousand dollars.

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

SECTION 1. CORRECTION.) Subsection 8 of section 11-1006 of the North Dakota Revised Code of 1943 is hereby corrected and reenacted to read as follows:

11-1006. BONDS OF COUNTY OFFICERS.) Before entering upon the duties of their respective offices, the county officers herein named shall be bonded for the faithful discharge of their respective duties in the same manner as other civil officers are bonded and in the following amounts:

8. Each justice of the peace, five hundred dollars.

Approved March 7, 1949.

CHAPTER 119

Senate Bill No. 208
(Lichty, Torno, Duffy and Tuff)

COUNTY COMMISSIONERS COMPENSATION;
INCREASE FOR 1949, 1950, 1951, AND 1952

AN ACT

Providing an increase in compensation to county commissioners during the calendar years 1949, 1950, 1951, and 1952, making such increase retroactive to January 1, 1949, and declaring an emergency.

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

SECTION 1.) For the calendar years 1949, 1950, 1951, and 1952, each county commissioner shall be allowed the sum of seven dollars per day while performing the duties of his office and actual living expenses and travel expenses as otherwise provided by law. The total compensation and expenses, including per diem, board and lodging and transportation expense received by any member of the board of county commissioners in any county having a population of eight thousand or less shall not exceed twelve hundred dollars per annum during such years.

SECTION 2.) This act shall not be construed to constitute either an amendment or a repeal of the provisions of subsection 3 of section 11-1010 of the 1947 Supplement to the North Dakota Revised Code of 1943, but shall be construed as authorizing additional compensation during the calendar years 1949, 1950, 1951, and 1952, and those years only.

SECTION 3.) The provisions of this act authorizing increase in compensation as herein provided shall be retroactive to January 1, 1949.

SECTION 4. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 8, 1949.

CHAPTER 120

Senate Bill No. 115
(Feton, Morgan, Wahlund, Schrock)

SALARIES COUNTY OFFICERS

AN ACT

To increase the salaries of county auditors, county treasurers, sheriffs, county superintendent of schools, register of deeds, county judges, state's attorneys, and clerks of the district court during the calendar years 1949, 1950 and 1951, making such increase retroactive to January 1, 1949 and declaring an emergency.

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

SECTION 1.) For the calendar years 1949, 1950 and 1951 the county auditor, county treasurer, sheriff, county superintendent of schools, register of deeds, county judge, state's attorney and clerk of the district court in each county shall receive the following annual salary payable monthly for official services rendered:

1. Two thousand four hundred dollars in counties having a population not exceeding five thousand;
2. Two thousand four hundred fifty dollars in counties having a population exceeding five thousand and not exceeding six thousand;
3. Two thousand five hundred dollars in counties having a population exceeding six thousand and not exceeding seven thousand;
4. Two thousand six hundred dollars in counties having a population exceeding seven thousand and not exceeding eight thousand;
5. In counties having a population in excess of eight thousand the sum of two thousand seven hundred dollars plus additional compensation of forty dollars per year for each one thousand additional population or major fraction thereof;
6. In counties having a county court of increased jurisdiction the county judge shall receive the salary he would receive if such court did not have increased jurisdiction and, in addition, the sum of one hundred dollars for each one thousand inhabitants or fraction thereof in such county; provided that in no case shall the maximum of such compensation exceed the sum of three thousand three hundred dollars in coun-

ties having a population of thirty thousand or less and in no case shall the maximum of such compensation exceed the sum of three thousand five hundred dollars in counties having a population exceeding thirty thousand based on this United States government census of 1940.

7. Provided, further, that in no case shall the maximum of such compensation exceed the sum of three thousand two hundred dollars in counties having a population of thirty thousand or less and in no case shall the maximum of such compensation exceed the sum of three thousand five hundred dollars in counties having a population exceeding thirty thousand based on the United States government census of 1940.

SECTION 2.) This act shall not be construed to constitute either an amendment or a repeal of any of the provisions of section 11-1010 of the North Dakota Revised Code of 1943, or section 27-0808 of the 1947 Supplement to the North Dakota Revised Code of 1943, but shall be construed as authorizing additional compensation to the schedule of salaries provided by said sections during the calendar years 1949, 1950 and 1951, and those years only.

SECTION 3.) The provisions of this act authorizing increase in salaries as herein provided shall be retroactive to January 1, 1949.

SECTION 4. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 17, 1949.

CHAPTER 121

House Bill No. 228

(Haugen of McLean, Homelvig, Thompson of
McLean, Snow and Schade)

MILEAGE COUNTY OFFICIALS

AN ACT

To amend and reenact Section 11-1015 of the North Dakota Revised Code of 1943; providing for mileage of county officials unless otherwise provided by the laws of this state, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 11-1015 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

SECTION 11-1015. MILEAGE OF OFFICIALS.) Unless otherwise provided by the laws of this state, every county official whether elective or appointive, and every deputy of a county official, entitled by law to travel or mileage expense, shall be allowed or paid only the following amounts for each mile actually and necessarily traveled in the performance of official duties;

1. Ten cents per mile when such travel is by team;
2. Seven and one-half cents per mile when such travel is by motor vehicle; and
3. When such travel is by rail or other common carrier, the amount actually and necessarily expended therefor.

SECTION 2. EMERGENCY.) An emergency is hereby declared to exist and this act shall be in full force and effect from and after the date of its passage and approval.

Approved March 9, 1949.

CHAPTER 122

House Bill No. 116
(Leet, Skaar and Stormon of Ramsey)

COUNTY TREASURER'S SCHOOL DISBURSEMENT REPORTS

AN ACT

To amend and reenact section 11-1414 of the North Dakota Revised Code of 1943, relating to county treasurer's reports of disbursements to school districts.

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

SECTION 1. AMENDMENT.) Section 11-1414 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1414. REPORTS OF DISBURSEMENTS OF FUNDS TO SCHOOL DISTRICTS.) Annually, on the first day of July, the county treasurer shall:

1. File with the county superintendent of schools an itemized statement of all funds remitted by him during the preceding school year to the treasurer of each school district in the county;
2. Send to the treasurer of each school district in the county an itemized statement of all payments made by the county treasurer during the preceding school year; and
3. Send to the clerk of the school board or secretary of the board of education of each school district in the county a copy of the statement sent to the treasurer of his district pursuant to the provisions of subsection 2 of this section.

Such statement shall be made in substantial conformity with the forms prepared by the superintendent of public instruction for the annual report of school district treasurers.

Approved February 15, 1949.

CHAPTER 123

House Bill No. 129
(Murray, Frank, Collette)

SHERIFF'S MILEAGE

AN ACT

To amend and reenact section 11-1512 of the North Dakota Revised Code of 1943, relating to sheriff's mileage.

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

SECTION 1. AMENDMENT.) Section 11-1512 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1512. SHERIFF'S MILEAGE.) A sheriff or his deputy for each mile actually and necessarily traveled within this state in the performance of official duties, shall be allowed and paid only the following amounts:

1. The sum of ten cents per mile when travel is by team or motor vehicle;
2. When travel is by rail or other common carrier the amount actually and necessarily expended therefor.

When such travel is outside the state in the performance of official duties, whether by motor vehicle or by rail or other common carrier, such officer shall be allowed and paid his actual and necessary travel expenses.

Approved February 15, 1949.

CHAPTER 124

House Bill No. 335

(Anderson of Ransom and Nygaard by request)

CLERK OF COURT; DUTIES; DEPUTIES IN CERTAIN
COUNTIES, ETC.

AN ACT

To amend sub-paragraph numbered 2 of Section 11-1701 of the North Dakota Revised Code of 1943, relating to the duties of the Clerk of Court; and to provide for the appointment of deputies in certain counties, official bonds for such deputies, and providing for fixing salaries, and prescribing duties for such deputies, and declaring an emergency.

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

SECTION 1. AMENDMENT.) That sub-paragraph numbered 2 of Section 11-1701 of the North Dakota Revised Code of 1943 be, and the same is hereby, amended and reenacted to read as follows:

SECTION 11-1701.

2. Act as clerk of the District Court and attend each session thereof, and attend the judge of the district court in chambers when requested to do so; provided, that in counties having a county court of increased jurisdiction and the county judge is ex-officio clerk of the district court, there may be appointed by such judge a deputy clerk of court when authorized by the board of county commissioners, who shall fix the salary and provide the amount of bond to be furnished. Such deputy clerk of court shall, when requested by the county judge, attend sessions of the district court and attend the judge of the district court in chambers, and perform such other duties as may be assigned such deputy by the judge of the county court.

SECTION 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

Approved March 11, 1949.

CHAPTER 125

House Bill No. 235
(Stormon of Rolette, Graham, and Brickner)

NOTICE OF DIVORCE OR MARRIAGE ANNULMENT TO
STATE REGISTRAR OF VITAL STATISTICS

Title 14

AN ACT

Providing that clerks of district courts, in which decrees of divorce, or judgments of annulments of marriages have been entered, to furnish information to the State Registrar of Vital Statistics relating to such decrees or judgments.

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

SECTION 1.) The clerk of the district court in which any decree of, or judgment of divorce, or annulment of marriage has been entered, shall within 15 days of the filing thereof notify the state registrar of vital statistics of the entry of the decree or judgment of divorce or annulment of marriage and shall furnish such information relating thereto as the state registrar may require upon such forms as may be furnished by the state registrar.

Approved Februray 21, 1949.

CHAPTER 126

Senate Bill No. 187
(Flatt, Schrock, Spiekermeier)

CORONERS FEES

TITLE 11 -- COUNTIES

AN ACT

To amend and reenact section 11-1923 of the North Dakota Revised Code of 1943, relating to fees which may be charged by coroners.

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

SECTION 1. AMENDMENT.) Section 11-1923 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1923. FEES TO BE CHARGED BY CORONER.) The coroner shall be entitled to charge and to receive the following fees:

1. For all services performed in connection with any one case, whether inquest is held or not, ten dollars;
2. For each mile actually traveled to and returning from an examination of inquest, the same rate per mile as is or may be specified for sheriffs;
3. For physician making a post mortem examination of a dead body, ten dollars; and
4. For other services rendered, the same fees and mileage as is specified for sheriffs.

Approved March 8, 1949.

CHAPTER 127

House Bill No. 2
(Legislative Research Committee)

COUNTY HIGHWAY ENGINEER

AN ACT

To amend and reenact chapter 11-31 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to county highway engineers; providing for election for creation and termination of office of county highway engineer, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 11-3101 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3101. COUNTY HIGHWAY ENGINEER.) The board of county commissioners of any county in this state may at the discretion of the board employ a qualified county highway engineer at any time or the office of county highway engineer may be created in any county in this state by an election duly held.

SECTION 2. ELECTION FOR CREATION OR TERMINATION OF OFFICE OF COUNTY HIGHWAY ENGINEER.) Upon the filing with the county auditor of a petition signed by not less than five percent of the qualified electors of the county as determined by the total number of votes cast in the last election, representing not less than seven percent of the voting precincts of the county, asking that an election be held on the question of the creation of the office of county highway engineer, the board of county commissioners shall submit the question at the next regular primary or general elec-

tion. Notice of the election shall be given in the manner prescribed by law for the submission of questions to the electors of a county under the general election law. If a majority of the votes cast on the question are in favor thereof, the office of county highway engineer shall be established and the board of county commissioners shall fill such office by appointment. The office so created shall not be terminated except upon the instruction of a majority of the qualified electors voting on the question in an election similarly held but any engineer appointed to fill such office may be removed from office by action of the board.

SECTION 3. AMENDMENT.) Section 11-3102 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3102. QUALIFICATION AND EMPLOYMENT BASIS.) The person employed or appointed as county highway engineer must be a duly qualified highway engineer. The compensation and other terms of service of such engineer shall be determined by the board of county commissioners and may be on a monthly or a per diem basis. Several counties may employ or appoint the same engineer.

SECTION 4. AMENDMENT.) Section 11-3103 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3103. POWERS AND DUTIES.) Under the direction and supervision of the board of county commissioners the county engineer shall:

1. Design and make plans for county and township highways;
2. Set up a comprehensive plan of county highways, showing by the use of maps existing roads, operations in progress and future plans;
3. Superintend county construction and maintenance operations pertaining to highways and bridges;
4. Keep a complete record of costs and expenditures;
5. Check all accounts, claims and demands for expenditures in connection with all matters supervised by the county engineer and indicate his recommendation prior to the submission of such accounts, claims and demands to the board of county commissioners;
6. Keep a complete inventory of all equipment, repairs, gasoline and oil and miscellaneous items;

7. Supervise the use and disposition of all county owned road equipment and materials;
8. Employ and supervise all other personnel engaged in county road operations, terminating such employment when required in the best interest of the county;
9. Prepare and submit to the board of county commissioners a complete yearly report and such additional reports as may be required by the board of county commissioners at any time;
10. Cooperate with the public roads administration or successors, the North Dakota state highway department and the townships of the county; and
11. Perform such other duties as may be designated by the board of county commissioners.

When so directed by the board of county commissioners, the county engineer shall also, under the direction and supervision of the board of county commissioners, or the drainage board, as the case may be, prepare plans and specifications and supervise the construction and repair of drainage ditches.

SECTION 5. AMENDMENT.) Section 11-3104 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3104. MANNER OF PAYMENT OF COMPENSATION.) Payment for the work actually performed by the county engineer may be made out of the county road and bridge fund or the general funds of the county upon certified vouchers showing the time actually expended and the contract price agreed upon. Such vouchers shall be filed with the county auditor and approved by the board of county commissioners, in the manner now provided by law for the filing and approval of other claims against the counties.

SECTION 6. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 8, 1949.

CHAPTER 128

House Bill No. 272
(Hegge, Schwartz and Murray)

ERECTION AND OPERATION OF WAR MEMORIALS

AN ACT

To amend and reenact section 3 of chapter 125 of the North Dakota Session Laws of 1947, relating to the erection and operation of war memorials; authorizing a county to join with a city, school district, or other public or private non-profit corporation or agency in the erection and operation of such war memorials and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 3 of Chapter 125 of the North Dakota Session Laws of 1947 is hereby amended and reenacted to read as follows:

SECTION 3. MAY JOIN WITH CITIES, SCHOOL DISTRICTS AND OTHER AGENCIES IN ERECTION AND OPERATION.) The board of county commissioners, in carrying out the provisions of sections 1 and 2 hereof, may join with a city, school district, or other public or private non-profit corporation or agency, or any or all of same, in the erection and operation of said memorial, or memorials, or other suitable recognition, in any proportion deemed advisable by said board. Said board in conjunction with the other cooperating body or bodies may provide for the operation and administration of said memorial, memorials, or other suitable recognition.

SECTION 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1949.