

# COUNTIES

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## CHAPTER 110

S. B. No. 180  
(Nordhougen and Duffy)

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### TERM OF OFFICE OF SHERIFF

#### AN ACT

To amend and reenact section 11-0807 and to repeal section 11-1501 of the North Dakota Revised Code of 1943, relating to the term of office of sheriff.

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

§1. AMENDMENT.) Section 11-0807 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-0807. APPOINTIVE OFFICERS: COUNTY COMMISSIONERS ELECTED; TERMS OF OFFICE; HOW VACANCY FILLED.) Each county officer mentioned in section 11-0806, except the members of the board of county commissioners, who shall be elected in the manner provided in section 11-1102, shall be appointed by the board of county commissioners and shall hold office for a term of four years, except as otherwise provided in this chapter, and until his successor is duly appointed and qualified. The treasurer shall not hold office for more than four years in succession. Any vacancy resulting from any cause shall be filled by the board of county commissioners.

§ 2. REPEAL.) Section 11-1501 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 6, 1953.

## CHAPTER 111

H. B. No. 620

(Brown of Burleigh)

(at the request of the State Examiner)

## SALARIES AND EXPENSES OF COUNTY COMMISSIONERS

## AN ACT

To amend and reenact subsection 3 of section 11-1010 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to salaries of county officers and repealing section 11-10101 of the 1949 Supplement to the North Dakota Revised Code of 1943, and declaring an emergency, and making the provision of this Act retroactive to January 1, 1953.

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

§ 1. AMENDMENT.) That subsection 3 of section 11-1010 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

## 11-1010. SALARIES OF COUNTY OFFICERS.)

3. Each county commissioner shall be allowed the sum of eight dollars per day while performing his duties in attending meetings of the board of county commissioners of which he is a member or when engaged in other official duties, and an allowance for each meal consumed while any such meeting of the board of county commissioners continues in session, provided that no more than three meals shall be charged and collected for in any twenty-four hour period, and actual lodging expense of not to exceed four dollars for each night's lodging necessarily required while any such meeting of the board of county commissioners continues in session, and shall not be entitled to any allowance for meals or lodging while performing official duties in the county wherein he resides other than the attendance at meetings of the board of county commissioners of which he is a member as herein provided. Claims for meals and lodging as herein provided shall be covered by a sub-voucher or receipt as provided by section 21-0501 of the 1949 Supplement to the North Dakota Revised Code of 1943. If a meeting of a board of county commissioners is of more than one day's duration, a county commissioner may charge for and collect mileage or other transportation expense for travel actually made in going to his home and returning therefrom for each overnight period that the meeting may remain in session, but shall not be entitled to charge and collect for an evening

meal on the date of going to his home or a morning meal on the date of his return. Each county commissioner while engaged in official duties outside of the county of which he is a resident shall be allowed board and lodging as provided in section 44-0804 of the 1949 Supplement to the North Dakota Revised Code of 1943 as now constituted or hereafter amended upon claims therefor properly itemized and supported by sub-voucher or receipt as provided in section 21-0501 of the 1949 Supplement to the North Dakota Revised Code of 1943. For the purpose of collecting per diem, living expenses, and transportation expenses incident to the attendance of any county commissioner at any state-wide meeting of the North Dakota county commissioners association, such attendance at said meeting shall be considered the performance of an official duty within the meaning of this section. Each county commissioner while performing official duties shall be allowed his actual transportation expenses not in excess of the amounts provided in section 11-1015 of the 1949 Supplement to the North Dakota Revised Code of 1943 as now in effect or hereafter amended, and when such transportation is furnished by rail or other common carrier including regularly scheduled airlines, such claims shall comply in all respects with section 21-0501 of the 1949 Supplement to the North Dakota Revised Code of 1943. No county commissioner residing within the corporate limits of the county seat may charge for and collect for mileage or other sums in lieu thereof, or for meals and lodging, for attending any meeting of the board of county commissioners of which he is a member or for attending any statewide meeting of the North Dakota county commissioners association held in the county seat where he resides. Total compensation and expenses, including per diem, board and lodging, and transportation expense, received by any member of a board of county commissioners shall be charged to and paid from the general fund of the county only and shall not exceed for each fiscal year the following amounts: In counties having a population of eight thousand or less, one thousand four hundred dollars (\$1,400.00); in counties having a population of over eight thousand and less than fifteen thousand, two thousand one hundred and fifty dollars (\$2,150.00); and in counties having a population of over fifteen thousand, two thousand seven hundred dollars (\$2,700.00), and for the purpose of fixing the maximums herein provided, population figures shall be those established by the most recent federal census.

§ 2. RETROACTIVE.) The provisions of this act shall be construed as authorizing the compensation herein provided for from and after January 1, 1953.

§ 3. SAVING CLAUSE.) If any section, clause or provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

§ 4. REPEAL.) Section 11-10101 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

§ 5. EMERGENCY.) This Act is declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved February 27, 1953.

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## CHAPTER 112

H. B. No. 819  
(Anderson of Richland and Esterby)

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### COUNTY OFFICERS SALARIES FOR 1953, 1954 AND 1955

#### AN ACT

To amend and reenact section 11-10102 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended, relating to salaries of county auditors, county treasurers, sheriffs, county superintendents of schools, registers of deeds, county judges, state's attorneys, and clerks of the district court during the years 1953, 1954, and 1955, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 11-10102 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

11-10102. SALARIES FOR COUNTY OFFICERS FOR 1953, 1954 AND 1955.) For the calendar years 1953, 1954 and 1955 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 nine hundred dollars in counties having a population not exceeding four thousand five hundred;

2. Three thousand two (\*one) hundred dollars in counties having a population exceeding four thousand five hundred and not exceeding six thousand;
3. Three thousand two hundred dollars in counties having a population exceeding six thousand and not exceeding eight thousand;
4. Three thousand two hundred dollars in counties having a population exceeding eight thousand population plus additional compensation of sixty-eight dollars per year for each one thousand additional population or major fraction thereof, but not to exceed the total sum of forty-one hundred dollars;
5. In counties having a population in excess of thirty thousand the sum of four thousand five hundred dollars;
6. In counties having a county court of increased jurisdiction and a population of not to exceed fifteen thousand the county judge shall receive the sum of four thousand dollars;
7. In counties having a county court of increased jurisdiction and a population in excess of fifteen thousand but not in excess of forty thousand population the county judge shall receive the sum of four thousand five hundred dollars.
- 8.. In counties having a county court of increased jurisdiction and a population in excess of forty thousand the county judge shall receive the sum of six thousand six hundred dollars.

Provided that all fees, collected by judges of county courts of increased jurisdiction in counties having a population in excess of forty thousand, for certified copies of public records shall be paid over by such county judge to the county treasurer to be credited to the general fund of the county. The salaries provided in this Act shall be the only salaries paid to such officers by the county and the salary provided for the county superintendent shall be full compensation for services rendered as superintendent of schools and as secretary of the county school district reorganization committee.

This section 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 1949 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 1953, 1954, and 1955, and those

years only. The provisions of this section authorizing increase in salaries as herein provided shall be retroactive to January 1, 1953, and shall be based upon the population figures established by the last federal census.

§ 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, 1953.

\*Senate and house journals show that a conference committee report, adopted by senate and house, approved a salary of "three thousand one hundred dollars" in lieu of "three thousand two hundred dollars." (S.J. page 783; H.J. page 1085).

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## CHAPTER 113

S. B. No. 179  
(Committee on Judiciary)

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### FEES OF REGISTER OF DEEDS

#### AN ACT

To fix the fees to be charged by registers of deeds and repealing sections 11-1805 and 35-0306 of the North Dakota Revised Code of 1943.

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

§ 1. **FEES OF REGISTER OF DEEDS.**) The register of deeds shall charge and collect the following fees:

- A. For recording an instrument affecting title to real estate,
1. Quit claim deed, one dollar and twenty-five cents;
  2. Warranty deed, one dollar and fifty cents;
  3. County deed to purchaser, one dollar and fifty cents;
  4. Sheriff's deed, administrator's deed, executor's deed, trustee's deed, or other deed executed by a fiduciary, two dollars;
  5. Oil and gas royalty deed or mineral deed, one dollar and seventy-five cents;
  6. Oil and gas lease or mineral lease, three dollars;

7. Release or assignment of mortgage describing one mortgage, one dollar, for each additional mortgage described therein twenty-five cents;
  8. Mortgage, one dollar and fifty cents;
  9. Release or assignment of oil and gas lease describing one oil and gas lease, one dollar and fifty cents, for each additional oil and gas lease described therein, twenty-five cents;
  10. Power of attorney, one dollar and fifty cents;
  11. Notice of lis pendens, one dollar and fifty cents, discharge of the same, one dollar;
  12. Certificate from the register of United States land office, one dollar.
  13. Patent issued by the United States or the state of North Dakota, one dollar and fifty cents;
  14. Farm name, one dollar and fifty cents;
  15. Cancellation of farm name, one dollar;
  16. Certified copy of judgment, one dollar and fifty cents;
  17. Declaration of homestead or statement of lien thereon, one dollar and fifty cents;
  18. Certified copy of death certificate, two dollars;
  19. If any such document contains more than one acknowledgment a fee of twenty-five cents for each additional acknowledgment shall be charged.
  20. For any other document, one dollar for the first four hundred words, and fifteen cents for each additional folio;
  21. If any of the above documents shall exceed five hundred words in length, an additional fee of fifteen cents for each additional folio shall be charged;
- B. For filing an instrument relating to personal property:
1. Chattel mortgage, crop mortgage, conditional sale contract, assignment of chattel mortgage, assignment of conditional sale contract, renewal of chattel mortgage, bill of sale, thresher's lien, farm laborer's lien, seed lien, repair lien, service lien, and any other chattel lien not specifically mentioned herein, fifty cents; but no fee shall be charged for releasing the same;

- C. For making or continuing an abstract of title to real property the same fee as is permitted to be charged by an abstractor according to law;
- D. For making or continuing a certified chattel abstract, twenty cents for each entry, and one dollar for a certificate to such abstract;
- E. For recording a brand or trade-mark, one dollar;
- F. For recording a certificate or license to do business, or cancellation, two dollars;
- G. For recording a claim or location certificate by discoverer of a mine lode, two dollars;
- H. For recording a license issued by the state board of nurse examiners, state board of chiropractic examiners, state board of dental examiners, state board of medical examiners, two dollars;
- I. For a certificate and seal, fifty cents, but no charge shall be made for a certificate and seal in filing and recording an instrument presented for record;
- J. For making a certified copy of a recorded instrument the same as charged for recording same;
- K. For filing and indexing any instrument not specified in this section, the filing of which is authorized by law, one dollar.

§ 2. REPEAL.) Sections 11-1805 and 35-0306 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 12, 1953.

## CHAPTER 114

H. B. No. 770  
(Langseth and Anderson, Eddy-Foster)

AUTHORIZING SHERIFF OR HIGHWAY PATROLMAN AT SITE  
OF HIGHWAY FATALITY TO CALL NEAREST COUNTY  
CORONER AND LATTER TO ACT ALTHOUGH NOT  
IN HIS RESPECTIVE COUNTY

## AN ACT

Authorizing any sheriff or highway patrolman at the site of a highway fatality to call the nearest available county coroner to view the body of a deceased person, and to authorize the coroner so called to act officially whether or not such site is located within the county of which he is the coroner.

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

§ 1.) Whenever a county sheriff or a duly appointed, qualified and acting highway patrolman of this state appears at the site or scene of the death of a human being upon or near a highway, whether such death appears to have resulted from an automobile accident or from some other cause, he is hereby authorized to call the nearest available county coroner to view the body.

§ 2.) The county coroner so called shall immediately view the body and take such official action as may appear to him to be necessary in the premises, and he is hereby authorized so to do if the site of such fatality is not within the county for which he was elected or appointed.

Approved March 10, 1953.

## CHAPTER 115

S. B. No. 234  
(Freed and Nordhougen)  
(at the request of the)  
(North Dakota Society of Professional Engineers)  
(and County Engineers Association)

## EMPLOYMENT OF COUNTY SURVEYORS

## AN ACT

Relating to county surveyors; providing for employment, compensation, and term of service; permitting consolidation of such office with the office of county highway engineer; repealing sections 11-2016 and 24-0506 and subsection 8 of section 11-1002 of the North Dakota Revised Code of 1943; and continuing terms of office of present elective county surveyors for such elective terms.

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

§ 1. EMPLOYMENT OF COUNTY SURVEYORS.) The board of county commissioners may employ a county surveyor to serve at the pleasure of the board and such surveyor may be compensated on a per diem basis or otherwise as may be determined by the board. The office of county surveyor may be combined with the office of county highway engineer.

§ 2. REPEAL.) Sections 11-2016 and 24-0506 and subsection 8 of section 11-1002 of the North Dakota Revised Code of 1943 are hereby repealed.

§ 3. SAVING CLAUSE.) The term of office of any county surveyor now holding office by election shall continue until the expiration of such elective term, notwithstanding the adoption of this Act.

Approved March 7, 1953.

## CHAPTER 116

S. B. No. 193

(Sayer, Foss and O'Brien)

(by request of)

(North Dakota County Commissioners' Association)

(Board of County Park Commissioners)

## COUNTY PARKS AND RECREATIONAL CENTERS

## AN ACT

Providing for the creation of county parks and recreational areas; providing for the appointment of a board of county park commissioners and prescribing its powers and duties; providing for the regulation, control and management of such parks and recreational areas and lands adjacent thereto; providing for the levying of taxes for the expenses and activities in connection therewith; and repealing chapter 11-28 of the North Dakota Revised Code of 1943.

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

§ 1. BOARD OF COUNTY PARK COMMISSIONERS; APPOINTMENT BY COUNTY COMMISSIONERS; NUMBER.) The members of the board of county commissioners and two resident citizens of the county appointed by the board of county commissioners shall constitute the board of county park commissioners.

§ 2. ELIGIBILITY FOR APPOINTMENT; TERM; VACANCY; COMPENSATION.) Any resident citizen of the county, including county, city, village and township officers, shall be eligible for appointment to the board of county park commissioners. Each appointed county park commissioner shall hold office for a term of one year, or until a successor is appointed and qualified. Any vacancy in such board shall be filled for the unexpired term by appointment by the board of county commissioners as soon as practicable. Each member of the county park board shall receive the same compensation for services for each day actually engaged in the performance of the duties of the office as that paid a county commissioner but not to exceed a total of twenty-four days in any one year, and in addition shall be entitled to reimbursement for actual necessary expenses incurred in the performance of such duties. The board of county park commissioners shall meet at the time of the regular meetings of the board of county commissioners upon the order of the chairman, and appointed members only shall be entitled to compensation for attendance at such concurrent meetings.

§ 3. COUNTY AUDITOR SHALL SERVE AS SECRETARY OF BOARD; COUNTY TREASURER SHALL SERVE AS TREASURER AND CUSTODIAN OF PARK FUNDS; STATES ATTORNEY SHALL ACT AS LEGAL ADVISER.) The county auditor shall serve as secretary of the board of county park commissioners, the county treasurer shall serve as treasurer of the board and custodian of all its funds from whatever source received. Such funds shall be placed in a separate fund and shall not be diverted to any other use or purpose. The states attorney of the county shall act as legal adviser to the board and shall prosecute and defend any and all actions brought by or against said board. Neither the county auditor, the county treasurer nor the states attorney shall receive any additional compensation for acting in their respective capacities.

§ 4. ORGANIZATION OF BOARD; QUORUM, MEETINGS.) Within twenty days after the appointment of the board of county park commissioners, and within twenty days after any change in its personnel, the board shall meet in the courthouse of the county and shall organize by selecting one of its members as chairman. Two-thirds of the members of the board shall constitute a quorum at any meeting thereof. The board shall hold such meetings as may be required for the transaction of its business and activities. Meetings shall be called by the secretary upon the order of the chairman, or upon the written request of the majority of the board. Such order or written request shall be entered on the minutes of the meeting so called. Notice of such meeting shall be delivered or mailed to each member at least five days prior to the date of meeting; provided, however, that a meeting of the board may be called at any time by the chairman without notice and such meeting shall be legal and valid if attended by all members of the board.

§ 5. POWERS AND DUTIES OF THE BOARD OF PARK COMMISSIONERS.) The board of county park commissioners shall have the power and it shall be its duty to:

1. Sue and be sued in the name of the board;
2. Accept on behalf of the county any and all lands and waters and any and all interests, easements or rights therein, and any gifts, grants, donations or trusts in money or property, or other assistance, financial or otherwise, from federal, state, municipal and other public or private sources for park and recreational purposes; and accept and assume the supervision, control and management of any privately owned property or recreational area, when the conditions of the offer for its public use are such as in the judgment of the board will be conducive to the best interests of the people of the county and state;

3. Cooperate and contract with the state or federal government or any department or agency thereof in furnishing assurances and meeting local cooperation requirements in connection with any project involving the construction, improvement, operation, maintenance, conservation or use of any park or recreational area under the jurisdiction, supervision, control and management of the board;
4. Regulate, supervise, control and manage all areas of land and water owned or held by the county or which may be, under written agreement, placed by an individual, a corporation, the federal, state or a municipal government or any department or agency thereof, under the jurisdiction, supervision, control and management of the board of county park commissioners for park or recreational purposes;
5. Promulgate, publish and impose rules and regulations concerning the uses to which such land and water areas may be put, including the regulation or prohibition of the construction, establishment or maintenance therein or thereon or within one-half mile thereof of any concession, dance hall, dance parlor, dance pavilion, soft or hard drink parlor or bar, and of any and all establishments of every name, nature or description which may, in the judgment of the board, be unsightly, noisome, improper, inappropriate or detrimental to the social usages of the area or areas for park and recreational purposes;
6. Regulate, supervise, control and manage all such land and water areas including all lakes, streams and ponds and all artificial bodies of water created by any water development or water conservation or flood control project of the county, state or federal government not under the jurisdiction, supervision or control of any other board, department or governing body;
7. Exercise full police power, supervision, control and management over such areas and the adjoining and adjacent lands within one-half mile thereof, and by regulations duly promulgated, published and imposed regulate or prohibit the construction, establishment, maintenance or operation within one-half mile of any such land or water area of any dance hall, dance parlor, dance pavilion, soft or hard drink parlor or bar, and any and all establishments of every name, nature and description which may, in the judgment of the board, be unsightly, noisome, improper, inappropriate or detrimental to the social usages of any land area or body of water so developed or created. The authority provided by these

subsections is intended to be exercised for the protection of the health, safety, good morals and general welfare of the people of the county and state to the fullest extent permissible under the police power of the county and state;

8. Prevent the pollution, contamination or other misuse of any water resource, stream or body of water under its jurisdiction, supervision, control or management;
9. Certify to the county auditor the amount of money necessary to meet the estimated expenses and costs of properly conducting its business and activities, including the operation, maintenance and improvement of the park and recreational areas under its jurisdiction, supervision, control or management for the ensuing year, such certificate to be filed with the county auditor not later than the first day of July each year. Such certificate shall be accompanied by an itemized budget statement showing the detailed expenditure program, as nearly as possible, of the board for the ensuing year.
10. Do all the things reasonably necessary and proper to preserve the benefits accruing from the park and recreational areas under the jurisdiction, supervision, control and management of the board of county park commissioners.

§ 6. TAX LEVY BY BOARD OF COUNTY COMMISSIONERS.) At the time of levying taxes for other county purposes, the board of county commissioners shall consider the certificate and budget statement of the board of county park commissioners and shall levy each year upon all taxable property in the county a tax sufficient in amount to pay the actual necessary expenses and activities program of the board of county park commissioners, including construction, improvement, repair, operation and maintenance of the park and recreational areas and their facilities under the jurisdiction, supervision, control and management of the board of county park commissioners, not exceeding one-fourth mill on each dollar of the taxable valuation of the county, which tax may be levied in excess of the mill limit fixed by law for taxes for general purposes. No levy in excess of one-fourth mill shall be made without approval of the eligible voters in the county at a special or general election. The county auditor shall credit the proceeds of such tax to the separate fund of the board of county park commissioners. This levy will not apply to cities or villages that already have a park levy.

§ 7. AUDITING AND PAYMENT OF BILLS.) All bills incurred by the board of county park commissioners shall be audited and recommended for payment by said board and shall be

certified to the county auditor who shall present them for audit and allowance by the board of county commissioners in the same manner as other bills of the county are audited and allowed. Upon the allowance of such bills they shall be paid out of the funds standing to the credit of the board of county park commissioners, from whatever source received, in the same manner in which other county obligations are usually paid.

§ 8. PUBLICATION OF RULES, REGULATIONS AND PROCEEDINGS.) All rules and regulations governing the use of county parks and recreational areas under the jurisdiction, supervision, control and management of the board of county park commissioners, and all proceedings of said board shall be published in the same manner as the proceedings of the board of county commissioners.

§ 9. VIOLATION OF ANY RULE OR REGULATION A MISDEMEANOR; PENALTY; INJUNCTION.) Violation of any rule or regulation of the board of county park commissioners shall be a misdemeanor and shall be punished by a fine of not to exceed \$25.00, or by imprisonment in the county jail for not to exceed ten days, or by both such fine and imprisonment, and in addition, the board of county park commissioners shall have remedy by injunction to enjoin the operation or maintenance of any establishment, concession or activity prohibited by the rules and regulations of the board.

§ 10. POLICE, CONSTABLES, SHERIFF TO ENFORCE ACT.) It shall be the duty of all police and constables and the sheriff and other peace officers to enforce the provisions of this Act and of the rules and regulations of the board of county park commissioners within their respective jurisdictions.

§ 11. DECLARATION OF POWER; SAVING CLAUSE.) It is the purpose of this act, among other things, to insure to the people of the state that the bodies of water, parks and recreational areas created by public agencies in whole or in part with public funds for the use and enjoyment of the public shall not be made the source of private gain through means inconsistent with the best social uses of the same, and to that end this Act shall be liberally construed. The provisions of this Act relating to the manner in which these objectives are to be accomplished do not form an inducement for its enactment. The powers herein granted to the board over private lands shall extend only so far as not prohibited by the state or federal constitutions. Should any word, sentence, paragraph or section hereof be held to be unconstitutional, or should the exercise of any of the powers herein granted be in any particular circumstances in violation of either the state or federal constitution, the remaining provisions would have been enacted even though

such provisions had been eliminated from the Act, hence invalidity of any part of this Act shall not affect the remainder of this Act, but the same shall continue to be in full force and effect as to all other provisions and all other circumstances within the limits of the constitution.

§ 12. REPEAL.) Chapter 11-28 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 18, 1953.

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## CHAPTER 117

H. B. No. 585  
(Sorlie, McInnis and Wambheim)

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### WAR MEMORIALS; COUNTY LEVY LIMITATIONS

#### AN ACT

To amend and reenact chapter 113 of the North Dakota Session Laws of 1951, relating to war memorials; providing for a county levy and for limitations thereon and authorizing expenditures.

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

§ 1. AMENDMENT.) Chapter 113 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

11-3201. COUNTY COMMISSIONERS AUTHORIZED TO ERECT A MEMORIAL OR MEMORIALS OR OTHER SUITABLE RECOGNITION; TO MAKE LEVY.) The board of county commissioners of any county in this state of North Dakota is hereby authorized to erect a memorial or memorials, or other suitable recognition in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during World War I and World War II, or solely during World War II, and may for such purpose use funds out of the general fund of the county if there is sufficient money in said fund, or use funds heretofore raised by tax levy for such memorial or memorials, and may levy a tax not in excess of four mills on the dollar in any one year upon the assessed valuation of all property in the county, provided such levy shall be made not later than 1954 and shall terminate not later than 1957, which levy shall be in addition to and not restricted by the levy

limitations prescribed by law, or may use funds for that purpose donated to the county for that purpose, or may use for such purpose funds out of the general fund of such county if there is sufficient money in said fund in conjunction with the funds so donated or obtained by such levy and tax, and the proceeds of such levy, tax, and donations, together with the amount taken out of the general fund, shall be used solely for the purpose of erecting such memorial, or memorials, or other suitable recognition. Nothing herein contained shall be construed to prohibit said board from expending any additional moneys derived from sources other than taxation. Such memorial, or memorials, or other suitable recognition shall be erected within the county at a place determined upon by such board and such memorial, or memorials, or recognition when erected, shall be properly and permanently maintained by such board by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both such funds.

Approved March 2, 1953.