
COUNTIES

CHAPTER 107

H. B. No. 775
(Poling)

COUNTY SAFETY COUNCIL OR DIRECTOR

AN ACT

Authorizing the board of county commissioners to designate a county safety council or director to cooperate with other agencies and organizations in the promotion of general safety.

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

§ 1. County Safety Council Or Director.) The board of county commissioners is hereby authorized to designate a county safety council or director whose duty it shall be to give assistance and to cooperate with other agencies and organizations engaged in the promotion of general safety in the respective counties.

Approved March 13, 1957.

CHAPTER 108

H. B. No. 730
(Brown)

EXPENSES OF COUNTY AND STATE OFFICIALS

AN ACT

Relating to expenses of state and county officials, and amending and reenacting subsection 3 of section 11-1010 of the North Dakota Revised Code of 1943, as amended by chapter 111 of the North Dakota Sessions Laws of 1955, and section 44-0804 of the North Dakota Revised Code of 1943, as amended.

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

§ 1. Amendment.) Subsection 3 of section 11-1010 of the North Dakota Revised Code of 1943 as amended by chapter 111 of the North Dakota Session Laws of 1955 is hereby amended and reenacted to read as follows:

3. Each county commissioner shall be allowed the sum of ten 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, whether outside or within the county, and an allowance for actual meals and lodging expenses in an amount not to exceed eight dollars, but 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 lodging as herein provided, but not for meals shall be covered by a sub-voucher or receipt as provided by section 21-0501 of the Code as amended. 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. For the purpose of collecting per diem, living expenses, and transportation expenses incident to the attendance of any county commissioner at any statewide 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 1953 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 Code as amended. 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 eight hundred dollars; in counties having a population of over eight thousand and less than fifteen thousand, two thousand five hundred dollars; and in counties having a population of over fifteen thousand, three thousand dollars, and for the purpose of fixing the maximums herein provided, population figures shall be those established by the most recent federal census.

§ 2. Amendment.) Section 44-0804 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

44-0804. Expense Account: Amount Allowed.) No elective officer other than the governor and members of the legislature, nor any appointive officer, employee, representative, or agent of this state, or of any of its subdivisions, agencies, bureaus, boards, or commissions, shall make claim upon any public fund for any sum in excess of eight dollars for any one day for actual expenses of meals and lodging while engaged in the discharge of a public duty and while upon a public expense account within the state, or in excess of six dollars for any one day for meals, and in addition thereto actual lodging expense, while so engaged without this state. In no event shall any such elective or appointive officer, employee, representative, or agent make claim upon such public expense account for an amount in excess of that actually paid for expenses while engaged in the public service.

Approved March 5, 1957.

*See 50-1404
as amended blap.
310-1955 for
receipts - dept
meals need receipt
for 1.00 or over*

CHAPTER 109

H. B. No. 552
(Lee, Leet and Overbo)

BIDS AND CONTRACTS ADVERTISEMENT

AN ACT

To amend and reenact sections 11-1126 and 24-0504 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to advertising for bids.

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

§ 1. Amendment.) Section 11-1126 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1126. When Board Shall Advertise For Bids.) When the amount to be paid during the current year for the erection of county buildings, for the purchase of fuel, or for election ballots and supplies, exceeds one thousand dollars, the board of county commissioners shall cause an advertisement for bids to be published at least once each week for two successive weeks in the official newspaper of the county and in such other newspapers as it shall deem advisable. The first publication shall be made at least thirty days prior to the day set for the opening of the bids.

§ 2. Amendment.) Section 24-0504 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0504. Contracts To Be Advertised. Requirements For Rental Contracts.) All purchases of county road machinery and all rental contracts or agreements for the use of road machinery and other articles or contracts for the improvement of the highways, except necessary repairs for such road machinery, which shall exceed the sum of one thousand dollars, shall be advertised in the manner provided by law for the purchase of county supplies. The board of county commissioners shall not enter into a rental contract or agreement for the use of road machinery and other articles for a longer period than twelve months from the date of such rental contract or agree to pay rental for the use of road machinery and other articles which would result in the lessor receiving rental at a rate in excess of twenty per centum per annum of the cash sale price thereof, which cash sale price of such road machinery and other articles shall be clearly set forth in all

such rental contracts, and failure to include such data in any rental contract for the use of road machinery and other articles shall render any such rental contract null and void, and any payments made thereunder shall be recoverable from the county commissioners making such contract jointly and severally.

Approved March 5, 1957.

CHAPTER 110

S. B. No. 102
(Sayer, George, Meidinger)

REGISTER OF DEEDS FEES

AN ACT

To amend and reenact subsection B of section 11-1805 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to fees of register of deeds for filing instruments relating to personal property.

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

§ 1. Amendment.) Subsection B of section 11-1805 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1805. Fees Of Register Of Deeds.) The register of deeds shall charge and collect the following fees:

- 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; if an assignment is contained in any of said instruments when originally filed, no additional charge shall be made for such assignment unless separate indexing is requested, in which case the charge for such assignment shall be an additional fifty cents; but no fee shall be charged for releasing the same;

Approved March 2, 1957.

CHAPTER 111

H. B. No. 743

(Einarson, Halcrow and Christopher)

COUNTY AUDITOR'S WARRANTS

AN ACT

To amend and reenact section 11-2501 of the North Dakota Revised Code of 1943 as amended by chapter 98 of the North Dakota Session Laws of 1955, relating to warrants issued by the county auditor.

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

§ 1. **Amendment.**) Section 11-2501 of the North Dakota Revised Code of 1943 as amended by chapter 98 of the North Dakota Session Laws of 1955 is hereby amended and reenacted to read as follows:

11-2501. Warrants; How Signed, Attested, Numbered, And Registered.) All warrants upon the county treasurer for claims against the county shall be issued by the county auditor upon the authority of properly audited and allowed claims or orders of the board of county commissioners. Each warrant shall be so drawn that when signed by the treasurer in an appropriate place, it becomes a check on the county depository. No warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository. Warrants for salaries of county officers and county employees may be drawn by the county auditor from time to time as such salaries become due and payable. The county auditor shall draw all other warrants or orders upon the county treasurer for the payment of moneys upon the authority and for the purposes specifically provided by law. All warrants issued by the county auditor shall be numbered consecutively, or in separate series by funds. The number, date, and amount of each warrant and the name of the person to whom payable and the fund upon which drawn shall be stated therein. Warrants shall be signed by the county auditor and at the time they are issued shall be registered by him in a book kept for that purpose.

Approved March 7, 1957.

CHAPTER 112

H. B. No. 584

(Hofstrand, Larson, Lee, Leet, Overbo, Rice and Thal)

JOINT COUNTY PARK DISTRICTS

AN ACT

Relating to joint county park districts and recreation areas, providing for the governing boards, their powers, a tax levy and penalty and to amend and reenact section 11-2806 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to tax levies.

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

§ 1. Joint County Park District.) Where two or more counties are contiguous to a natural navigable lake, they may form a joint county park district by resolution duly adopted by the board of county commissioners of each county affected. The powers of such joint county park district shall be exercised by a board of park commissioners chosen as follows:

The board of county commissioners of each county comprising such joint county park district shall select two members of such joint board, of whom one shall be a member of such board of county commissioners, and such joint board shall select one additional member at large. Each member of the board shall serve for a term of two years and until his successor is selected and qualified.

§ 2. Compensation; Vacancy; Meetings.) Each member of the joint park board shall receive the same compensation for services as may be paid to a county commissioner, but no member shall be paid for more than twenty-four days in any one year, and in addition, he shall be paid mileage and other actual expense incurred in the performance of his duties at the same rate as may be paid to county commissioners. No member of the board of county commissioners serving on a joint park board shall be paid compensation for days or period for which he receives compensation for services as a member of the board of county commissioners. A vacancy in the board shall be filled by the body making the original appointment. The board shall fix the time and place for meetings. Special meetings may be held at such time and place as the chairman of the board may direct.

§ 3. Secretary And Treasurer.) The board of park commissioners may name a secretary and treasurer. The board shall have the right to fix the compensation of such secretary, treasurer, and attorney.

§ 4. Organization; Quorum.) Within twenty days after the appointment of the board of joint park commissioners, and within twenty days after any change in its personnel, the board shall meet at its regular place of meeting and shall organize by selecting one of its members as chairman. The first meeting for organization purposes shall be held in the office of the county auditor in the most populous county in such district, and such county auditor shall fix the time of such meeting and notify the several members of the joint park board. Two-thirds of the members of the board shall constitute a quorum of any meeting thereof. The board shall hold such meetings as may be required for the transaction of its business. Meetings shall be called by the secretary upon the order of the chairman or upon the written request of the majority of the board. Notice of such meeting shall be delivered or mailed to each member at least five days prior to the date of meeting, except that a meeting attended by all of the members shall be valid whether notice thereof shall have been given or not.

§ 5. Power And Duties Of Board.) The board of joint park commissioners, shall have the following powers and duties:

1. To establish and maintain within the district public parks, playgrounds and recreational areas;
2. To sue and be sued in the name of the district;
3. To exercise the power of eminent domain in the manner provided by the title Judicial Remedies for the purpose of acquiring and securing any right, title, interest, estate or easement necessary to carry out the duties imposed by this Act, and particularly to acquire the necessary rights in land for the control of the shores of any lake and to protect the right of ingress and egress therefrom and to provide recreational areas or facilities;
4. To accept in behalf of the district any and all lands and waters and any and all interest, easement, or right 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 district and state;
5. To cooperate and contract with the state or federal government of 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 supervision, jurisdiction, control and management of the board;
6. To regulate, supervise, control and manage all areas of land and water owned or held by the district 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 such board for park or recreational purposes.
 7. To 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 pavilion, establishments selling soft drinks or alcoholic beverages, 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 uses;
 8. To 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;
 9. To prevent the pollution, contamination, or other misuse of any water resource, stream or body of water under its jurisdiction, supervision, control, or management;
 10. To maintain an office for meetings of the board and for the use of its secretary and treasurer;
 11. To levy a tax, when authorized by the electors of the affected counties, annually on each dollar of taxable valuation in the district for the payment of the expenses of the district, including, but not limited to, per diem, mileage, and other expenses of the members of the board and other operating expenses, including the payment of obligations incurred under subsection twelve hereof. All moneys collected shall be paid over to the treasurer of the joint county park district, who shall deposit the funds in the Bank of North Dakota;

12. To enter into contracts with the United States of America, or any department or agency thereof, and with public corporations of North Dakota for the development of any land or water resource within the district;
13. To employ a superintendent of the park area and to employ such other assistance as may be necessary to carry out the purposes of this Act;
14. To lease lands owned or controlled by the board for residential, camping, concession, and other purposes upon such terms and for such periods as the board may determine proper, and to deposit and expend any income therefrom the same as other moneys belonging to the district;
15. To provide by contract or otherwise for the relocation of highways, public utilities, railroad lines, or other structures as may be reasonably necessary in developing and maintaining the park facilities;
16. To do all the things 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.

The authority provided by these subsections is intended to be exercised for the protection of health, safety, and good morals of the people of the district and state to the fullest extent permissible under the police power of the state.

§ 6. **District Budget; Tax Levy; Election.**) The board of joint park commissioners shall request the respective boards of county commissioners of the counties within the joint park district to submit to the electors of the joint county park district at any general election the question of a maximum tax levy therein for park purposes. The question shall be submitted as follows: Shall the board of county commissioners be authorized to levy a tax of not to exceed mills for joint county park district purposes? The rate proposed shall in no event exceed three mills. If a majority of the vote cast thereon is favorable to such levy the board of joint park commissioners shall meet annually during the month of July and at such meeting shall prepare a budget for the ensuing year, estimating and itemizing the expenses and obligations of the joint county park district. Upon completion and adoption of such budget, the board shall make a tax levy in mills, within the limit of the authorization, to meet such budget. Such levy shall be in the form of a resolution adopted by a majority vote of the members of the board and thereafter prior to the

first day of July of each year such levy shall be certified to the county auditor of each county within the joint park district by the secretary of the board. At the time of levying taxes for other county purposes, the respective boards of county commissioners of each county within the joint park district shall levy the tax certified by the board of joint park commissioners upon all taxable property in the county in the same manner other taxes are levied. The question of the maximum levy may be submitted from time to time by the board of joint park commissioners.

§ 7. Auditing And Payment Of Bills.) All bills incurred by the board of joint park commissioners shall be audited and allowed by the board, and the same shall be paid by the secretary. The secretary shall draw his order upon the joint county park district treasurer and the district treasurer shall draw his check upon the Bank of North Dakota.

§ 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 joint park commissioners, and all proceedings of said board shall be published in the official newspaper of all counties affected in the same manner as the proceedings of the board of county commissioners. Any person adversely affected by any rule or regulation promulgated by such board may appeal to the district court of a county comprising a portion of the district and if such court shall find the rule or regulations arbitrary, unreasonable, or beyond the scope of this Act it shall declare the rule or regulation invalid.

§ 9. Violation Of Rules; Penalty.) The violation of any rule or regulation of the board of joint park commissioners shall be a misdemeanor and shall be punished by a fine of not to exceed one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment. The courts of the county wherein such violation occurred shall have jurisdiction over any such violation. In addition, the board of joint 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 Officer To Enforce Act.) It shall be the duty of all police officers to enforce the provisions of this Act and of the rules and regulations of the board of joint park commissioners within their respective jurisdictions.

§ 11. Declaration Of Power.) It is the purpose of this Act to insure to the people of the state that the bodies of water,

parks, and recreational areas created by public agencies under the provisions of this Act for the use and enjoyment of the public shall be used to promote the health and service of the citizens, and that such purpose shall not be defeated by uses inconsistent with the best social uses and to this end this Act shall be liberally construed.

§ 12. Amendment.) Section 11-2806 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-2806. 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-half 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-half 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 shall not apply to cities or villages that already have a park levy unless the governing body of such city or village by resolution consents to such levy.

Approved March 18, 1957.

CHAPTER 113

H. B. No. 717

(Rickford and Knudsen of LaMoure)

ALLOCATION OF COUNTY MEMORIAL FUNDS

AN ACT

To amend and reenact section 11-3202 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to county memorial funds and providing for authority of the county commissioners to make an allocation of such funds.

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

§ 1. **Amendment.)** Section 11-3202 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3202. A Memorial Fund Created: How Expended.) Funds provided to be raised in accordance with the last section shall be designated as the memorial fund, and shall be kept separate and distinct from other moneys by the county treasurer and shall be expended by and under the direction and control of the board of county commissioners. The board may expend such funds at such times as it may determine and is authorized to make an allocation of any or all funds to be raised by the memorial levy for any purpose authorized by this chapter.

Approved March 19, 1957.