

# TOWNSHIPS

## CHAPTER 737

HOUSE BILL NO. 1510  
(Representatives Belter, Gorman, Wilkie)  
(Senator Tennefos)

### TOWNSHIP OFFICERS AND BUDGETS

AN ACT to create and enact a new section to chapter 58-04 and a new subsection to section 58-06-01 of the North Dakota Century Code, relating to preparation of a budget for the township at its annual meeting and expansion of the board of township supervisors from three to five members; and to amend and reenact sections 58-04-02 and 58-05-02 of the North Dakota Century Code, relating to special township meetings and officers of a township.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 58-04-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-04-02. Special meetings - When held. A special township meeting may be held for the purpose of electing township officers to fill vacancies that occur, to authorize expansion of the board of township supervisors from three to five members, and for the purpose of transacting other lawful township business whenever the supervisors or township clerk, or any two of them, together with at least twelve freeholders of the township, shall file in the office of the township clerk a written statement that a special meeting is necessary, or whenever a special meeting is required by any other provision of the laws of this state.

SECTION 2. A new section to chapter 58-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Expansion of membership of the board of township supervisors. At the annual township meeting or a special meeting, the electors of the township may approve expansion of the board of township supervisors from three to five members. At the first annual meeting after a special meeting at which the expansion is authorized, or at the annual meeting at which the expansion is authorized, the electors of the township shall elect three members of the board of township supervisors. Two of the members of the board elected under this section must be elected for three-year terms and one supervisor must be elected for a two-year term. Thereafter, terms of office of members of the board of township supervisors will be as provided in section 58-05-02.

\* SECTION 3. AMENDMENT. Section 58-05-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-05-02. Officers of a township - Terms of office. The elected officers of a civil township shall be:

1. Three or five supervisors.

\* NOTE: Section 58-05-02 was also amended by section 6 of Senate Bill No. 2329, chapter 161.

2. One township clerk.
3. One assessor except as herein provided.
4. One treasurer.
- ~~5. Two constables.~~

~~One~~ In townships with three-member boards of township supervisors, one supervisor shall be elected at each annual township meeting and shall hold ~~his~~ office for a term of three years. In townships with five-member boards of supervisors, the number of members of the board of supervisors whose terms have expired shall be elected at each annual township meeting and shall hold office for a term of three years. The other elective officers shall be elected every two years and shall hold their respective offices for a term of two years. Each officer shall serve until ~~his~~ that officer's successor is elected and qualified. The same person may hold the offices of township clerk and treasurer if a majority of the electors present vote in favor of the merging of such offices at the annual township meeting. The person elected to fill the merged office shall perform all of the duties required of both the township clerk and treasurer except as otherwise specifically provided by law. If a majority of the electors present and voting at an annual township meeting vote in favor of making the office of assessor appointive, the board of township supervisors shall appoint a township assessor for a four-year term of office, the first term commencing on January 1, 1974. In lieu of electing or appointing a township assessor, the board of township supervisors, if authorized by a majority of the electors present and voting at an annual township meeting, may on behalf of the township contract with the county in which the township is located or with any other political subdivision or with any individual to perform the duties of and have the powers of the township assessor. The length and terms of such a contract shall be negotiated by the board of township supervisors with the governing body of the county or other political subdivision or with the individual, as the case may be, and the township is hereby authorized to make such payments as may be provided for in the contract. The electors of any township in which the office of township assessor was abolished prior to July 1, 1973, shall, at the next annual township meeting, elect a township assessor or authorize the board of township supervisors to appoint a township assessor or to contract for the making of the assessment as hereinbefore provided. The township electors may by majority vote of those present and voting at an annual township meeting change the previously adopted method of providing for the assessment to either of the other two methods authorized in this section but such change shall not become effective until expiration of the term of office of the assessor or until a vacancy occurs in the office of assessor or until expiration of the contract for making the assessments, whichever is applicable according to the method of providing for the assessment that was previously adopted.

SECTION 4. A new subsection to section 58-06-01 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To submit a budget for the township at its annual meeting.

Approved April 13, 1989  
Filed April 13, 1989

## CHAPTER 738

HOUSE BILL NO. 1565  
(Trautman, Howard, Vander Vorst, Melby)

### TOWNSHIP OFFICER CONTRACTS

AN ACT to amend and reenact section 58-05-12 of the North Dakota Century Code, relating to instances in which a township officer may be a party to a contract with the township; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 58-05-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-05-12. Officers ~~not to be~~ interested in contracts of township. Except as otherwise provided by ~~law~~ this section, no township officer ~~shall~~ may become a party to or be interested, directly or indirectly, in any contract made by the board of which ~~he~~ the officer is a member. Every contract or payment voted for or made contrary to ~~the provisions of~~ this section is void. Any violation of this section ~~shall constitute~~ constitutes malfeasance in office which ~~will subject~~ subjects the offending officer ~~so offending~~ to removal from office. A township supervisor may become a party to or be interested, directly or indirectly, in any contract made by the board if:

1. No other qualified individual is willing to undertake the contract;
2. The supervisor does not vote on the contract; and
3. The other members of the board of supervisors vote unanimously in favor of the contract.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 29, 1989  
Filed March 30, 1989