

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2359
(Senators Cook, Nodland)
(Representatives R. Kelsch, J. Kelsh)

AN ACT to amend and reenact sections 11-11-05, 11-28-01, 11-28-02, 11-28-03, and 11-28-04 of the North Dakota Century Code, relating to the time and place of county commission meetings and the board of county park commissioners; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-11-05 of the North Dakota Century Code is amended and reenacted as follows:

11-11-05. Meetings of board - Time and place. The board of county commissioners shall meet and hold ~~sessions~~ regular meetings for the transaction of business at ~~the courthouse, or at the usual place of holding court, in the first week of January, April, July, and October of each year, and may adjourn such meetings from time to time~~ a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission. The county auditor shall have power to call special ~~sessions~~ meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special ~~sessions upon giving five days' notice of the time and object of the meeting by publishing the notice in the official newspaper of the county, or by giving personal notice, in writing, to all the members of the board~~ meetings that must be noticed in accordance with section 44-04-20.

SECTION 2. AMENDMENT. Section 11-28-01 of the North Dakota Century Code is amended and reenacted as follows:

11-28-01. Board of county park commissioners - Appointment by county commissioners - Number. ~~The members of the board of county commissioners and shall establish a five-member to seven-member board of county park commissioners consisting of at least two members of the county commission and at least two resident citizens of the county appointed by the board of county commissioners shall constitute the board of county park commissioners.~~

SECTION 3. AMENDMENT. Section 11-28-02 of the North Dakota Century Code is amended and reenacted as follows:

11-28-02. Eligibility for appointment - Term - Vacancy - Compensation. Any resident citizen of the county, including county, city, and township officers, is eligible for appointment to the board of county park commissioners. Each appointed county park commissioner shall hold office for a term of three years, or until a successor is appointed and qualified. Any vacancy in the board must 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 is entitled to 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 is entitled to reimbursement for actual necessary expenses incurred in the performance of the member's duties. ~~The~~ Unless otherwise agreed upon, 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 are entitled to compensation for attendance at the concurrent meetings.

SECTION 4. AMENDMENT. Section 11-28-03 of the North Dakota Century Code is amended and reenacted as follows:

11-28-03. County auditor, county treasurer, and state's attorney shall serve board. The county auditor or other official designated by the board shall serve as secretary of the board of county park commissioners and 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 state's 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 nor official designee, the county treasurer, nor the state's attorney shall receive any additional compensation for acting in their respective capacities.

SECTION 5. AMENDMENT. Section 11-28-04 of the North Dakota Century Code is amended and reenacted as follows:

11-28-04. 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.~~ One-half or more of the members constitutes a quorum of the board. The board shall hold such meetings as may be required for the transaction of its business and activities. ~~Meetings shall~~ If the board decides to hold meetings at a time other than the time for regular meetings of the board of county commissioners, the board shall draft a schedule of regular meetings to be held throughout the year. The schedule must be filed with the county auditor and the meetings must be noticed in accordance with section 44-04-20. A special or emergency meeting may be called by the secretary upon the order of the chairman, or upon the ~~written~~ request of the majority of the board with notice provided in accordance with section 44-04-20. ~~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 the meeting. 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.~~

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2359 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 86 Nays 1 Absent 7

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at ____ o'clock _____ M.

Secretary of State