

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1076
(Representative DeKrey)

AN ACT to amend and reenact section 40-38-03 of the North Dakota Century Code, relating to compensation of members of public library boards; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-38-03 of the North Dakota Century Code is amended and reenacted as follows:

40-38-03. Board of directors - Appointment - Term of office - ~~No compensation~~Compensation - Filling vacancies - Organization.

1. The governing body of a municipality ~~which~~that has established a public library and reading room, or the board of county commissioners for a county library, shall appoint a board of five directors who must be residents of the municipality or county, as the case may be, to govern ~~such~~the library and reading room. One member of the governing body of the municipality or designated representative ~~shall~~must be a member of the board of directors of a municipal library, and must be a resident of the municipality ~~which~~that establishes and maintains ~~such~~the municipal library; and one member of the board of county commissioners or designated representative ~~shall~~must be a member of the county board of directors.
2. The terms of office of the members of the first board of directors must be established so one member ~~shall hold~~holds office for one year, two members shall hold office for two years, and two members shall hold office for three years. The members, at their first meeting, shall determine the length of their respective terms by lot. Thereafter, the number of directors required to fill expired terms ~~shall~~must be appointed each year, and each ~~such~~director ~~shall~~may hold office for a term of three years from the first day of July in the year of appointment and until a successor has been appointed. No member of ~~such~~the board ~~shall~~may serve for more than two consecutive terms, after which an interval of one year must elapse before the same member may be reappointed. All vacancies on the board of directors ~~shall~~must be reported by ~~such~~the board to the governing body of the municipality or the board of county commissioners, as the case may be, and ~~shall~~must be filled thereby. ~~However, a member of any municipal board of directors of a public library and reading room who was appointed to such position by a school board prior to July 1, 1975, may serve upon such board for the residue of the member's unexpired term unless such position shall otherwise become vacant. Appointments made~~An appointment to fill an unexpired terms shallterm may be for the residue of the term only.
3. A director is entitled to payment for mileage and travel expenses as provided for in sections 44-08-04 and 54-06-09. No other compensation shallmay be paid or allowed to a director unless the governing body of the municipality or the board of county commissioners provides by ordinance or by resolution for the payment of compensation for members of the board of directors.
4. Immediately after the appointment of its members, the board of directors shall meet and organize by electing a president. The governing board of a municipality or county establishing public library service may, in lieu of appointing a library board, contract directly with a library board established by another governing body of a municipality or county for the purpose of extending public library service.

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1076 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 92 Nays 0 Absent 2

Speaker of the House

Chief Clerk of the House

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

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,
at _____ o'clock _____ M.

Secretary of State