

# COUNTIES

## CHAPTER 120 H. B. No. 130—(Bieloh)

### TERM OF OFFICE OF COUNTY COMMISSIONERS

An Act to amend and re-enact Section 3264 of the Compiled Laws of North Dakota for 1913 relating to the term of office of County Commissioners.

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

§ 1. That Section 3264 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted as follows :

§ 2. SECTION 3264. TERM OF OFFICE OF COMMISSIONERS.] The Commissioners shall hold their offices for the term of four years, except as provided by law for the organization of Counties, and in Counties now organized, the order of their election and succession shall be as herein provided, and Commissioner Districts in such Counties shall continue as now constituted until changed as provided by law. Provided, that at the general election next after the organization of a County, either from unorganized territory or from territory segregated by division from another County, one County Commissioner shall be elected for a term of two years and two Commissioners for a term of four years, and thereafter as provided by law, the order of succession to be determined by lot. Provided, further, that in all Counties in this State, wherein hertofore Commissioners have been elected after the organization of a new County, either from unorganized territory or upon division or segregation from another County, and where more than three of such Commissioners thereof now serving, were elected for the same term, the Board of Commissioners of such County shall, at its regular meeting for the month of July, after the taking effect of this Act, by lot, determine the length of terms in said Commissioner Districts so referred to, thereby arranging for three Commissioners of such County to hold their offices for four years each, and two Commissioners to hold office for two years each, from the first Monday in January, 1939, and in Counties having three Commissioner Districts, two Commissioners to hold their offices for four years, and one for two years from the first Monday in January, 1939.

Approved March 10, 1937.

**CHAPTER 121**  
**H. B. No. 83—(Adam)**

**CONSOLIDATION COUNTIES AND PARTS OF COUNTIES**

**An Act to amend and re-enact Section 4 and 6 of Chapter 92 of the Session Laws of 1933, providing for the consolidation of Counties; the petition and election therefor; the vote thereon; result thereof; and proclamation by the Governor; the officers; expiration of their terms and transfer of all books, records and property; nominations when void; the transfer and trial of all actions; the debts, taxes and issuance of bonds or certificates of indebtedness, and repealing all Acts and parts of Acts in conflict herewith.**

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

§ 1. AMENDMENT.] That Sections 4 and 6 of Chapter 92 of the Session Laws of 1933, be amended and re-enacted to read as follows:

§ 4. If sixty per cent (60%) of all the legal votes cast in the petitioning County at such election shall be in favor of said proposition and if sixty per cent (60%) of the votes polled in the adjoining County at such election shall be in favor of said proposition, all of that territory included within the established boundaries of the petitioning County shall be consolidated with and annexed to the adjoining County and such petitioning County shall cease to have any separate existence as a County, but shall be merged into and form an integral part of such adjoining County in fact and in name at the time and in the manner hereinafter provided.

§ 6. Within ten (10) days after the filing of the findings and certificates of the canvassing board on the question of consolidation in each of the said Counties, the County Auditor of each of said Counties shall send a correct and duly certified abstract of the votes polled at such election to the Secretary of State, and if sixty per cent (60%) of all the legal votes cast at such election in the petitioning County and sixty per cent (60%) of all the legal votes cast in the adjoining County, is found to be in favor of consolidating and annexing the petitioning County to the adjoining County, the Secretary of State shall forthwith notify the Governor of the State, and the Governor shall thereupon forthwith and without delay issue his proclamation announcing and declaring the result of such election, and on and after January first after the date of such proclamation, the petitioning County shall cease to exist as a County and all that territory embraced in the limits of such petitioning County shall be consolidated with and annexed to, and shall form an integral part of such adjoining County.

Approved March 1, 1937.

## CHAPTER 122

H. B. No. 84—(Frazier and Rait)

## SEED, FEED AND TRACTOR FUEL LOANS BY COUNTIES

An Act to amend and re-enact Section Six (6) of Chapter 116 of the Session Laws of North Dakota of 1927, relating to the furnishing of seed, feed and tractor fuel by Counties and declaring an emergency.

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

§ 1. AMENDMENT.] That Section six (6) of Chapter 116 of the Session Laws of North Dakota for 1927 is hereby amended and re-enacted to read as follows:

§ 6. In providing for the purchase of seed grain, feed and tractor fuel or either, the Commissioners may, in lieu of issuing bonds, order warrants drawn upon the general fund of the County or issue certificates of indebtedness in the manner now provided by law to pay for the feed, seed grain and tractor fuel purchased under the general provisions of this article; provided, that such warrants or certificates of indebtedness shall not be sold below par, and provided, further, that such warrants shall not be term warrants. Provided, further, that no bonds, warrants, or certificates of indebtedness, shall be issued, under this Act, by or in any County which has not been reimbursed or repaid at least sixty per centum (60%) of the amount of any and all bonds, warrants, and certificates of indebtedness which have been heretofore issued by such County for the purpose of furnishing seed, feed and tractor fuel of any kind to or for the inhabitants of such County, or to aid or assist such inhabitants in the obtaining or procuring of seed, feed and tractor fuel. Provided, however, that the sixty per cent (60%) limitation herein provided for shall not apply during the years of 1937 and 1938 in cases where Counties are issuing warrants to obtain funds to match other funds to be obtained from agencies of the Federal Government for the purpose of purchasing seed, feed grains and/or tractor fuel.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

Approved March 1, 1937.

**CHAPTER 123**

H. B. No. 204—(Bjornson, Peterson of Renville, Olson of Bowman, Ritter and Morland)

**AUTHORIZATION FOR SALE OF COUNTY PROPERTY**

An Act amending and re-enacting Section 3274 of the 1913 Compiled Laws of North Dakota relating to the Authority of County Commissioners to sell County real and personal property; authorizing the County Commissioners to reserve all or any part of the oil, gas, coal and/or mineral rights in land so sold; repealing all Acts or parts of Acts in conflict therewith and declaring an emergency.

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

§ 1. That Section 3274 of the Compiled Laws of 1913 for the State of North Dakota be amended and re-enacted to read as follows:

§ 3274. COMMISSIONERS AUTHORIZED TO SELL. PUBLISH NOTICE.] The County Commissioners of any County in this State shall have the right to dispose of any property, either real or personal, which the County may have acquired, either through purchase, forfeiture or operation of law. Upon resolution of any Board of County Commissioners authorizing the same, the County Auditor shall cause to be published a notice in some legal newspaper published in such County, once each week for three consecutive weeks, containing a description of the property to be sold, and designating the day and hour when such sale shall be held. Such sale shall be held at the office of the County Auditor and conducted by him, and the property so advertised shall be sold to the highest responsible bidder, if such bid is deemed sufficient by a majority of the board authorizing the sale, and such bids may be either auction or sealed bids as may be ordered by the Board and specified in the notice; provided, however, that when the property to be disposed of is estimated by the Board to be of a value below One Hundred Dollars such sale may be at private sale upon proper resolution of the Board of County Commissioners. If in the opinion of the Board of County Commissioners the facts justify it, said Board may on sale of any land reserve to the County all or any part of the oil, gas, coal and/or mineral rights therein; the proceeds of such sale shall be paid into the County Treasury and any amounts which may be due the State or any City, Township, Incorporated Village or School District, from taxes which had been previously levied against said property, or their just proportion thereof, shall be apportioned and placed to the credit of the State, City, Township, Incorporated Village or School Corporation entitled thereto, and the remainder shall go to the general funds of the County.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

§ 3. EMERGENCY.] WHEREAS, an emergency exists, this Act is declared to be an emergency measure and shall be in full force and effect immediately upon its passage and approval.

Approved March 9, 1937.

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## DANCES

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### CHAPTER 124

S. B. No. 59—(Mutchler)

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#### DANCES PROHIBITED WHERE LIQUORS ARE SOLD

An Act prohibiting dances in or on premises, or premises adjacent to a place where intoxicating liquors are sold as a beverage; defining the duties of States Attorneys and Peace Officers; and declaring an emergency.

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

§ 1. It shall be unlawful for any owner, person in possession, or person, club, group, copartnership or corporation to hold or permit any dance or dancing in or on any premises or premises adjacent to but connected with by door, stairs or other entrance a place or premises where intoxicating liquors are sold as a beverage.

§ 2. The failure of any States Attorney, Sheriff, Deputy Sheriff, Chief of Police, or other police officer, to rigidly enforce the provisions of this Act shall constitute sufficient grounds for the removal of such officer from office.

§ 3. PENALTY.] Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum of not less than Two Hundred Dollars (\$200.00) or imprisonment in the County jail for a period not exceeding six months, or by both such fine and imprisonment.

§ 4. EMERGENCY.] This Act is declared to be an emergency measure and shall be in force and effect from and after its passage and approval.

Approved March 17, 1937.

(NOTE: House Emergency Certificate Shows Ayes, 63; Nays, 38; Absent, 12.)