

site, dormitory and equipment, or any of them at a price not to exceed the cost of such site, dormitory or equipment, to be used and operated by said board or its successor solely for educational purposes in connection with one of such educational institutions. Such purchase price shall be payable in not to exceed fifty years, in annual installments of not to exceed fifteen per cent of such purchase price, at a rate of interest of not to exceed five per cent per annum, payable semi-annually, and shall be payable and paid solely and exclusively out of the income derived from the operation of such dormitory as herein provided, and it is hereby expressly provided that the State shall incur no liability whatever by reason of the exercise of the authority granted to the said Board of Administration.

§ 5. Any site, dormitory, its equipment or appurtenances acquired, purchased, erected, installed, owned, operated or maintained by such association, its successors or assigns, as provided herein, and all bonds or other evidence of indebtedness issued by such association, under this act, shall be exempt from taxation.

§ 6. If any part of this act shall be declared invalid, such invalidity shall not be held or deemed to affect or impair the operation of the remainder of said act.

§ 7. EMERGENCY.] An emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1939.

COUNTIES

CHAPTER 121

S. B. No. 50—(Wog and Raschko)

COUNTY CONSOLIDATION

An act to amend and re-enact Sections 1 and 13 of Chapter 92 of the Session Laws of 1933, providing for the consolidation of counties and parts of counties, the petition therefor, and the liabilities and debts of counties affected; and repealing all acts in conflict herewith.

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

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

§ 1. Whenever thirty per cent (30%) of the legal voters as determined by the vote cast for the office of Governor at the last preceding general election, residing in any county of this State, shall petition the board of county commissioners of their county for permission to have their county consolidated with and annexed to any adjoining or partly adjoining county, and shall also petition the board of county commissioners of the county to which they desire their county to be annexed or united, ninety (90) days before any election as hereinafter defined, and if such petitions are found to conform to the provisions of this act, it shall be the duty of the board of county commissioners of the counties so petitioned to submit to the voters of each of said counties the question of the consolidation of the county or parts of counties designated in the petition at the next State-wide primary election for the nomination of county and State officers. Provided, however, that a part or portion of a county may file a like petition with the boards of county commissioners as herein provided to have a part of a county consolidated with and annexed to an adjoining county, but such petition for the consolidation or annexation of a part of a county shall not be considered by the board of county commissioners unless a petition is also filed by the voters of the remaining portion of the county for consolidation with or annexation to some other adjoining county. Which petition shall have the signatures of 30% of the legal voters of such remaining portion as determined by the votes cast for Governor therein at the last preceding general election. Notice of said election shall be given as is provided by law, and in addition thereto shall contain the name of each of the two counties or parts thereof, and shall state that the proposition to be voted upon will be: "Shall the county or part thereof as designated in the petition of (naming the county or part thereof whose legal voters petition for consolidation) be consolidated with and annexed to the county of (naming the adjoining county to which the legal voters have petitioned to be united and annexed)" providing that the proposition of consolidation shall not be voted upon more than once in five years.

§ 2. AMENDMENT.] That Section 13 of Chapter 92 of the Session Laws of 1933, be amended and re-enacted to read as follows:

§ 13. The adjoining county shall not become liable for the debts of the petitioning county, contracted prior to consolidation, nor shall the petitioning county become liable for debts of the adjoining county, contracted prior to such time. The board of county commissioners of the adjoining county shall have all the powers which the county board of petitioning county had as of the date of January first, as aforesaid, to levy taxes upon all the property in the territory which had prior to the consolidation constituted the petitioning county to pay the debts and obligations of the petition-

ing county in existence at the time of consolidation. The board of county commissioners of the adjoining county shall have full power to compromise such debts and obligations of the petitioning county and shall have full power to issue bonds or certificates of indebtedness in settlement or compromise of such debts, which debts or obligations may be funded by the adjoining county by the issuance of bonds or certificates of indebtedness, which shall set forth upon the face thereof that the principal and interest of such bonds or certificates of indebtedness shall be paid from taxes levied upon only the property within the territory which had constituted the petitioning county.

Approved March 13, 1939.

CHAPTER 122

S. B. No. 240—(Wog and Rascho)

DISORGANIZATION OF COUNTIES

An act to authorize the disorganization of counties by petition and election or by judicial procedure and for the proceedings therefor; and for the elimination of county officers and the termination of their terms of office; and for the attachment to an organized county for judicial and administrative purposes; and providing for the duties of the officers of the organized county to which attached, including the powers and limitations to tax; to maintain separate records, to act as trustee, collect the revenue and to disburse the expenses for the operation of the unorganized county; and for submitting the question if portions of this act are unconstitutional or final decree denies the petition; and for retaining the validity of the remaining provisions of this act if any are declared unconstitutional; and for the repeal of acts in conflict herewith, and declaring an emergency.

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

§ 1. Whenever twenty per cent (20%) of the electors of any county of this State, having a population of less than four thousand (4,000) according to the last preceding official State or Federal census or thereafter, as determined by the vote cast for the office of Governor at the last preceding election of State officers, shall so petition the board of county commissioners of such county, it shall be the duty of said board to submit to the electors of the county the question of the disorganization of such county. If the said board is so petitioned more than ninety (90) days prior to the next State-wide election, it shall submit the question at such State-wide election; otherwise it shall be submitted at the State-wide election next following.

§ 2. Such petition shall be filed with the county auditor of

such county, who shall then note thereon the date of filing, and shall forthwith and not later than ten (10) days thereafter, send a written notice thereof by registered mail to the State Examiner.

§ 3. Within thirty (30) days of the receipt of the registered notice as provided in Section 2, the State Examiner shall make and complete an audit of the finances of the petitioning county and file an original and duplicate copy thereof with the county auditor of said county. Such audit shall contain: (1) a statement of the taxable value of all taxable property in the county as of the last annual assessment, as equalized by the State Board of Equalization; (2) a statement as of the date of the filing of the petition showing all the assets and the liabilities of the county, and any assets available for the retirement of any of said liabilities; and (3) a statement for the last preceding completed fiscal year, showing the budget adopted, the amount of tax levied, the amount and source of revenue receipts derived, the expenditures made and obligations incurred, for each fund and purpose; and (4) a statement containing such additional information as in his judgment is necessary to an understanding of the true financial condition of the said county.

§ 4. Notice of the election shall be given as is provided by law, and in addition thereto, it shall state that the proposition to be voted upon will be: "Shall the county (name the county) be disorganized and become an unorganized county?" Such notice shall also state that the State Examiner's audit is on file in the county auditor's office.

§ 5. The ballots in such election shall be in substantially the following form, to-wit:

Shall the county of (naming the county) be disorganized and become an unorganized county?

Yes-----
No -----

§ 6. The votes polled upon the question of disorganizing the county shall be canvassed and returned in the manner provided by law for other votes polled at the same election. Within ten (10) days after the filing of the findings and certificates of the canvassing board on the question of disorganization, the county auditor shall send a correct and duly certified abstract of the votes polled to the Secretary of State, and if a majority of all the legal votes cast in the count[y] is in favor of disorganization, the Secretary of State shall forthwith notify the Governor and the Governor shall without delay issue his proclamation announcing and declaring the result of the election, and on and after January first after the date of such proclamation, the county shall be an unorganized county.

§ 7. After the result of such election is proclaimed, but not

before December 15 nor later than December 31, following, the Governor, by proclamation, shall designate an adjoining organized county to which the unorganized county shall be attached for the purposes hereinafter stated and which shall become effective on January 1 following. Provided, however, that if before such December 15, the county commissioners of the unorganized county shall, by resolution, designate the organized county to which the unorganized county desires to be attached, and if such organized county shall also before such date, by resolution, agree to such attachment, the Governor, shall, by proclamation, declare that the unorganized county is attached to such organized county, effective January 1, following.

§ 8. Whenever a county becomes an unorganized county, it shall be attached to an adjoining organized county, pursuant to the aforesaid Governor's proclamations for all judicial, record, and taxing purposes, and for all purposes, of, or connected with, county government; and to that end, the officers and employees of said adjoining organized county, including the board of county commissioners, the judge of the county court, the county superintendent of schools, and all other officers and employees, shall possess the same powers and jurisdiction with respect to, and within such unorganized county, as they possess with respect to, and within their own county, except as such powers are limited by this act. Provided, however, that each elected officer of the organized county shall, for the services so to be rendered, receive from the unorganized county the sum of \$30 per annum for each one thousand (1,000) in population, or major fraction thereof, of the unorganized county. The unorganized county shall be in the same judicial district as the organized county to which it is attached.

§ 9. All appointive positions in the service of the county, and the offices of justice of the peace, judge of the county court, and county superintendent of schools and other elected county officers shall be deemed to be county officers for the purposes of this section. All county offices of organized counties shall be deemed to be, and are hereby declared to be, abolished when such counties become unorganized counties; provided that payments equivalent to the salaries and other compensations customarily paid to the holders of such offices shall be paid to them until such time as their successors would, except for the abolition of the offices, have qualified and succeeded to their duties. Anyone re-elected to any office shall also be deemed a successor to such office. If any such officeholders possess an indefinite term of office, such payments shall not continue beyond one month after such county becomes an unorganized county. In the event that any person is duly elected to a county office that is abolished before the commencement of the term of office for which he was elected, he shall receive a payment equiv-

alent in amount to one month's salary of the office to which he was elected.

§ 10. Within fifteen (15) days following the Governor's proclamation provided in Section 7 herein as aforesaid, the county officers of the county to be disorganized, including the judge of the county court, justices of the peace, and the county superintendent of schools, shall remove all files, records, books, papers, equipment, fixtures, furniture, and other personal property, to the courthouse of the adjoining organized county designated in the aforesaid Governor's proclamation; provided that if the absence of any of such items from the courthouse of said adjoining organized county would not inconvenience the public, such items shall be disposed of by the said county officers as directed by the board of county commissioners of such adjoining organized county. During the said fifteen day period, all monies and property of whatsoever nature shall be delivered to the custody of the proper officers of said adjoining organized county. Title to all files, records, books, papers, equipment, fixtures, furniture, other personal property, monies, and other property possessed by the unorganized county upon the date of its disorganization, or thereafter acquired by it, or in its name, shall be vested in the said adjoining organized county as trustee for the said unorganized county, with the right to use the same for the benefit of the unorganized county in the same manner provided by law for organized counties. Separate accounts and books shall be maintained for the monies and properties held in trust, and for the monies and properties of the said adjoining organized county.

§ 11. All actions or suits of every nature that have been filed or are pending in any of the courts of the unorganized county on January first following the Governor's proclamation, aforesaid, or that may thereafter arise or be instituted, shall be transferred, brought and tried in the courts of the adjoining organized county to which the unorganized county is attached. Any actions pending in any county justice court in the unorganized county shall be transferred to and tried before the justice of the peace in such adjoining organized county whose office is located nearest to the courthouse of said unorganized county. All official and judicial notices relating to matters within such unorganized county shall be posted, according to law for organized counties, within such unorganized county, and published notices shall be published in a newspaper within the unorganized county, if there be one, otherwise to be published in the official newspaper of the organized county to which the unorganized county is attached.

§ 12. The adjoining organized county to which the unorganized county is attached shall levy sufficient taxes within such unorganized county in the same manner provided by law for the levy

of taxes in organized counties and subject to the limitations therein imposed, to pay the unorganized county's debt, and the cost of such public services as shall be necessary to supply in such unorganized county. Nothing in this act shall be construed to impose any financial obligations or burden upon an organized county by reason of the attachment of an unorganized county to it, but all expenses incidental thereto shall be charged to such unorganized county. All monies, funds, revenues, property and all benefits that shall accrue from any source whatever to the unorganized county before or after disorganization shall be held by such organized county as trustee, as aforesaid, and expended only for the benefit of the unorganized county. And all funds of the disorganized county shall be kept separate and apart from any funds of the organized county to which it is attached. The officers and employees of the organized county to which the disorganized county is attached shall be automatically bonded in the State Bonding Fund as provided by law, for the benefit of the disorganized county in an amount for which the corresponding officers of the disorganized county would be required by law to be bonded if the county were not disorganized. The premium for such bonds shall be charged against the disorganized county. The condition of such bond shall be that such officer or employee as principal shall faithfully and impartially discharge and perform the duties of his said office or employment relating to said disorganized county, including such duties as are or may be imposed upon him by law, and shall render a true account of all moneys and property of every kind that shall come into his hands as such officer or employee and pay over and deliver the same according to law.

§ 13. The unorganized county shall continue and remain in the same legislative district it is in at the time of disorganization and shall have the same representation.

§ 14. If the petition for disorganization described in Section 1 of this act is signed by more than fifty per cent of such qualified electors, no election shall be held, but, in lieu of such election further action on such petition shall be by judicial proceedings as hereinafter provided. The county auditor shall notify the State Examiner as provided in Section 2 hereof and in addition thereto shall certify thereon that said petition contains more than fifty per cent (50%) of such qualified electors and shall transfer and file the same so certified with the clerk of the district court of such county within ten (10) days of the date of filing of the petition.

§ 15. The State Examiner shall make the audit and statement provided in Section 3 hereof and within the time so provided file the original of such audit and statement in the office of the said clerk of court and a duplicate copy thereof in the office of the county auditor of such county.

§ 16. The clerk of the district court, after the filing of the petition and within 5 days of the receipt of such audit and statement by the Examiner shall, by registered mail notify the district judge of his district whose chambers are nearest the county seat of such county, that such petition, audit and statement have been filed. The district judge so notified shall, within 10 days after receipt of such notice, make an order setting forth the date, hour and place in such county for the hearing of such petition. Such order shall be published by the clerk of the court of said county in the official newspaper of the county and in such other newspaper, if any, as the judge may direct in said order, once each week for four successive weeks prior to said hearing, the last publication of which shall not be less than 5 days prior thereto. The clerk shall also cause such notice to be posted by the sheriff in four conspicuous public places in the county not less than 20 days prior to said hearing. The proof of the publication and posting of such notice shall be filed with the clerk of the district court.

§ 17. At such hearing, the admission of evidence, order of proof and procedure shall as nearly as may be, be the same as provided by law for the trial of equity cases. Any qualified elector, taxpayer or creditor of said county may appear in person or by counsel and contest the petition provided he has on or before 10 days prior to the date set for said hearing filed with the clerk of said court his objections to the petition, setting forth his grounds therefor.

§ 18. If the court from the audit and evidence introduced shall find that the existing taxable valuation of the said county is so reduced that the limit of levy as provided by law will result in an annual deficit; or that for any other reason it appears that the continuance of the county organization would not be for the best interests of the citizens, taxpayers, and creditors, it shall enter its decree disorganizing such county, which decree, based on the findings aforesaid, shall be filed with the clerk of the district court. If the court finds otherwise it shall enter its decree denying the petition.

§ 19. Any elector, taxpayer, or creditor feeling aggrieved by the decision of the court may within twenty days after the filing of the decision and decree, appeal therefrom to the Supreme Court by filing with the clerk of the district court a notice of appeal, specifications of error, and an appeal bond, the amount and the sureties thereon to be fixed and approved by the court, and on said appeal the petition, and the objections together with a certified transcript of the record of the testimony taken on the hearing, shall constitute the judgment roll and statement of the case, and the matter shall be heard de novo in the Supreme Court.

§ 20. Upon the expiration of the time for appeal as provided

in Section 19, if no appeal has been taken, or upon final judgment on appeal, the clerk of the district court shall forthwith submit a certified copy of the judgment and decree in said action to the Secretary of State, who shall forthwith notify the Governor thereof, and all further proceedings therein shall be had as if an election had been held and as provided in Sections 6 to 13 inclusive, of this act.

§ 21. If the dissolution by court proceedings as provided in Sections 14 to 20 inclusive of this act is declared unconstitutional or invalid, or if the final judgment and decree shall deny the petition for disorganization, the question whether such county shall be disorganized shall automatically be submitted to the voters of such county at the next State-wide election in the same manner as if a petition signed by more than 20% and less than 50% of such electors of said county had been filed, and all further proceedings shall be in accordance with the terms and provisions of Sections 1 to 13, inclusive of this act.

§ 22. If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 23. All acts or parts of acts in conflict herewith are hereby repealed.

§ 24. This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 16, 1939.

CHAPTER 123

S. B. No. 56—(Isaak, Streibel and Thorson)

MILEAGE AND TRAVEL EXPENSE
COUNTY OFFICIALS

An act amending and re-enacting the initiated measure entitled: "An act reducing and fixing allowances for mileage and travel expense of county officials and their deputies, and repealing all acts and parts of acts in so far as they conflict herewith, and taking effect July 30th, 1932, excepting as to elective officials as to whom it shall take effect and be in force upon their election and qualification to office hereafter," adopted and approved by the electors at the June 29th, 1932 primary election, fixing allowances for mileage and travel expense of county officials and their deputies; and repealing Chapter 119 Session Laws of 1931 and all acts and parts of acts in conflict herewith.

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

§ I. AMENDMENT.] That initiated law entitled: "An act reducing and fixing allowances for mileage and travel expense of county officials and their deputies, and repealing all acts and parts of acts in so far as they conflict herewith, and taking effect July 30th, 1932, excepting as to elective officials as to whom it shall take effect and be in force upon their election and qualification to office hereafter," adopted and approved by the electors at the June 29th, 1932 primary election, be, and the same is hereby, amended and re-enacted to read as follows:

§ 1. Sheriffs and their deputies, for each mile actually and necessarily traveled within this State in the performance of official duties, shall be allowed and paid only the sum of ten cents per mile when such travel is by team, and when such travel is by motor vehicle, the sum of eight cents per mile, and the sum of five cents per mile when such travel is by rail or other common carrier within this State, and when such travel is outside the State in performance of official duties, whether by motor vehicle, rail or other common carrier, they shall be allowed and paid their actual, necessary, travel expenses.

§ 21. Hereafter, other county officials, whether elective or appointive, or any deputy of such officials, entitled by law to travel or mileage expense, shall be allowed or paid only the sum of seven cents per mile for each mile actually and necessarily traveled in the performance of official duties when such travel is by team; and when such travel is by motor vehicle, the sum of five cents per mile; and when such travel is by rail or other common carrier, they shall be allowed or paid therefor, the sum of three cents per mile or their actual expense if the fare exceed three cents per mile; provided, however, that the county superintendent of schools or his deputy shall receive seven cents per mile for travel by motor vehicle within his county for trips necessarily made in visiting rural schools.

§ 3. Before any allowance for such mileage or travel expense may be paid by any county, such county official or his deputy, as the case may be, for whose travel the same is claimed, shall file with the county auditor an itemized statement verified by his affidavit, showing the mileage traveled, in what manner traveled, the days traveled and the purpose or purposes thereof, which statement and affidavit shall be submitted to the board of county commissioners and such claim shall be approved by such board before the same shall be allowed or paid.

§ 4. Chapter 119 Session Laws 1931 and all acts and parts of acts, in so far as the same conflict with the provisions of this act, are hereby repealed.

§ 5. This act shall be in full force and effect from and after January 1, 1941.

Approved March 13, 1939.

CHAPTER 124

H. B. No. 353—(Public Welfare)

ADMINISTRATION OF COUNTY POOR RELIEF

An act to amend and re-enact Sections 13 and 14 of Chapter 97 of the Session Laws of 1933, as amended by Chapter 119 of the Session Laws of 1935, relating to the administration of county poor relief; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 13 of Chapter 97 of the 1933 Session Laws as amended by Chapter 119 of the 1935 Session Laws, is hereby amended and re-enacted to read as follows:

§ 13. WHEN RESIDENCE UNCERTAIN. ACTION TO DETERMINE.] If anyone within the description of the poor persons specified in this act shall be found in any county and the county welfare board of such county shall be unable to ascertain and establish the place of legal residence of such person, it shall proceed to provide for such person in the same manner as other persons are hereby described to be provided for. When the question of legal residence of any poor person who is likely to become a public charge or has become a public charge is an issue between the county commissioners of two or more counties, and when an agreement cannot be effected, the county commissioners of the county in which said person is then residing may bring an action in the district court against the county or counties in which legal residence of such poor person is alleged to be to determine the issue. Such poor person shall also be

made a party defendant. The summons in such action shall be in the form prescribed for summons in civil actions except that the defendants shall be required to serve an answer to the complaint within fifteen (15) days after the service of the summons upon such defendants. When it appears from the pleadings in said action or is made to appear to the satisfaction of the court during the course of trial that some county other than the ones named in the title of the action is or may be the legal residence of such poor person, or that some person is legally responsible for the care of such poor person under Section 10 of this act, then the court shall cause such county or persons to be brought into the action and made a party thereto. The court shall have full power in such action to make determination fixing the rights and liabilities of the counties and of the several persons that may be parties of such action. The court may order the return of the person to the county of his legal residence or may order that such person be allowed to remain where he is and upon order that the county of his legal residence pay for his support in the same manner and like amount as if he remained in the county of his legal residence. In such cases the court shall determine the maximum amount of subsistence relief which shall be paid by the county of such person's legal residence, which shall not in any case be more than the poor person would require if he resided in the county of his legal residence, and which may at the discretion of the court be modified from time to time. Such relief, not to exceed the maximum amount as determined by the court for subsistence needs, shall be furnished by the county of physical residence and billed to the county of legal residence each thirty day period and shall be promptly paid by the county of legal residence within thirty (30) days after receipt of statement. In the event that the county of legal residence shall neglect to pay the county of physical residence, within thirty (30) days from the date of receipt of statement, or in the event that the said county is financially unable to make such payment for subsistence needs, or emergency medical or other needs, the county of physical residence shall give notice to the Public Welfare Board of such failure and shall forward to the Public Welfare Board a copy of the order or judgment of the district court in said case, and that it will thereafter be the duty of the Public Welfare Board to deduct from the next State grant for direct relief which may be sent to the county of legal residence the amount due the county of physical residence and to remit such deduction to the county of physical residence. Such action shall be tried to the court without a jury on ten (10) days notice served by either party. When an action is brought for the purposes herein provided, the county welfare board of the county in which the poor person is located shall contribute to the support of such poor person during the pendency of said action, subject to reimbursement by the county where it is finally determined such poor person has legal residence, if such action is decided favorably to the county

contributing to the maintenance of such poor person. After the determination of the residence of a poor person, either by the court or by agreement between the county commissioners of the counties involved, the county commissioners may enter into a contract with regard to the abode and keep of said poor person.

That the action shall not be finally closed until such time as such poor person has become a resident of the county bringing such action, or has returned to the place of his legal residence. He may become a resident of the county bringing such action by maintaining himself and his family in said county for a period of twelve successive months as provided by Section 4 of Chapter 97 of the Session Laws of 1933, as amended. That such poor person may, after residing in such county for twelve continuous months without receiving public aid of any kind, make application to the court for an order closing the case and an order declaring him to be a resident of the county bringing such action, for relief purposes, and the court, after a hearing on said application and upon being satisfied that said poor person has complied with all of the laws providing for the gaining of residence for poor relief purposes in said county, shall make its order adjudging such poor person to have established his residence for poor relief purposes in the county originally commencing such action and shall thereupon close the case.

It is further provided that if such poor person shall, after the first or any subsequent hearing request relief for subsistence purposes in excess of the amount determined by the court and when satisfied that the amount fixed at the first hearing or any subsequent modification of such amount is a fair determination of the maximum amount required to support such poor person in the county of his legal residence, that the court shall, on motion of the county of physical residence and proof of request for additional subsistence relief, direct the removal of said person to the place of his legal residence.

§ 2. AMENDMENT.] That Section 14 of Chapter 97 of the 1933 Session Laws, as amended by Chapter 119 of the 1935 Session Laws is hereby amended and re-enacted to read as follows:

§ 14. POOR PERSON CONVEYED TO PLACE OF RESIDENCE ON ORDER TO SHOW CAUSE.] Whenever any poor person who is likely to become a public charge or has become a public charge is found in any county other than that of his legal residence, and such poor person refuses to voluntarily remove to the county of his legal residence, it shall be the duty of the county welfare board to make investigation and ascertain whether or not the county commissioners of the county which is claimed as the legal residence of such poor person will concede such legal residence in that county; and if it is found that such county commissioners will concede such legal

residence, but no agreement regarding the abode and keep of such poor person can be reached, then the county commissioners in the county where such poor person is found may make application to the district court for an order directed to such person and to be executed by the sheriff to cause any such poor person to be sent and conveyed at the expense of the county to the place where such poor person belongs, if the same can be conveniently done; and if such poor person cannot be so removed, such person shall be relieved as herein provided. Such application to the district court for an order for removal shall be made upon written notice and order to show cause served upon such poor person and upon the county claimed to be the legal residence of such poor person and such poor person shall be entitled to a hearing thereon before an order of removal is issued. Such application shall state that the person has or is likely to become a public charge and that the county of his legal residence concedes his legal residence therein. Upon said hearing the court shall have the same power as provided for in Section 13.

Any person who has been removed to another county pursuant to an order and who returns to such county and any person who knowingly aids and abets such poor person in so returning shall be in contempt of court.

Provided further that if the county commissioners of the county of such poor person's legal residence concede such residence, then the county commissioners of the two counties shall have the authority and power to make a contract with regard to the abode and keep of said poor person, according to the provisions of Section 13 hereof and without bringing the matter into court.

If any such poor person shall be a legal resident of another State, the county in which he shall be found may, in like manner, procure an order of the court causing his removal to the State of his legal residence. Provided, however, that if the county of such poor person's claimed legal residence refuses to acknowledge such residence and its liability for poor relief to such person, then the action provided for in Section 13 of this act shall be brought.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 14, 1939.

CHAPTER 125

H. B. No. 73—(Committee on Public Welfare)

VALIDATING COUNTY POOR RELIEF
WARRANTS AND LEVIES

An act validating, ratifying, and confirming warrants, and other instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues of any county heretofore issued and levies heretofore made by boards of county commissioners in any county of this State for the purpose of financing poor relief, under the conditions specified in this act, and validating all proceedings heretofore taken by any board of county commissioners in connection with the issuance of emergency poor fund warrants and the making of emergency poor relief levies under the provisions of Chapter 98, Laws of 1933, as amended by Chapter 120, Laws of 1935, or under any assumed, implied or purported authority of said statutes; and declaring an emergency.

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

§ 1. This act may be cited as the "Poor Relief Validating Act of 1939."

§ 2. All warrants, and other instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues of any county, issued under the authority of Chapter 98, Session Laws of 1933, as amended by Chapter 120, Session Laws of 1935, or issued under any assumed, implied or inferred authority contained in such statutes, are hereby ratified, approved and confirmed, and in all things declared valid notwithstanding any lack of power to issue such warrants and/or the failure of any of the public officials, or the governing body of any county to do the acts or pass or adopt the proceedings required by the laws of North Dakota, and notwithstanding any defects or irregularities in such proceedings, and all such warrants, instruments, and obligations shall be binding, legal, valid and enforceable obligations of the public body issuing same, subject to the limitations and specifications set forth herewith:

LIMITATIONS. The validation of warrants or other obligations for emergency poor relief as set forth in this section are hereby approved provided the following conditions existed and/or the following actions taken by the board of county commissioners:

a. The appropriation for poor relief purposes was not sufficient to meet the expenditures required by law, and,

b. If the unexpended and unobligated balances in all other funds (exclusive of sinking and interest funds set aside to retire bond issues or funds set aside to retire any other outstanding indebtedness) were transferred to the county poor fund, and,

c. If the transfers above authorized were insufficient to meet the emergency, and,

d. If an emergency existed, created by unusual and unanticipated demands for the relief of the poor, or demands beyond the capacity of the county to pay from other resources, and,

e. If the board of county commissioners passed a resolution authorizing the expenditure of an amount in excess of the budget appropriation.

Provided all the above listed conditions existed when the issuance of emergency poor relief fund warrants was authorized, and the above listed actions were taken, the validity of the warrants is hereby validated and affirmed.

§ 3. All tax levies heretofore made by the governing body of any county for the purpose of providing funds for the payment or retirement of emergency poor relief warrants issued under the conditions set forth in Section 2 of this act and under the authority of Chapter 98, Session Laws of 1933, as amended by Chapter 120, Session Laws of 1935, or made under any assumed implied, purported, or inferred authority of said statutes, are hereby ratified, approved and confirmed, and in all things declared valid notwithstanding any lack of power to make such levy in the year in which the levy was actually made.

§ 4. It is hereby affirmed and recognized that the provisions of Chapter 98, Session Laws of 1933, and Chapter 120, Session Laws of 1935, were intended to provide a means for the financing of poor relief expenditures of any county when other resources of the county were inadequate.

It is further affirmed that it is a matter of common knowledge that in a number of counties in North Dakota the total amount which can be raised by an 8 mill levy, plus other general revenues of the county, is insufficient to provide adequate funds for poor relief after making provision for the financing of the primary functions of county government. It is further recognized that emergency poor fund warrants issued on the security of a prospective future tax levy are not readily negotiable.

It is further affirmed that the provisions of Chapter 98, Session Laws of 1933, as amended by Chapter 120, Session Laws of 1935 were intended to provide a means of financing poor relief when the ordinary sources of revenue were insufficient and that it was the intent of said legislation to provide a means to replenish the poor fund when the regular sources of county revenue were insufficient to meet necessary relief requirements.

§ 5. 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, 1939.

CHAPTER 126

H. B. No. 125—(Targie Trydahl)

RESIDENCE FOR POOR RELIEF PURPOSES

An act amending and re-enacting Sub-sections 1 of Chapter 97 of Session Laws of 1933 and 4 of Section 4 of Chapter 97 of the Session Laws of 1933, as amended by Chapter 119 of the Session Laws of 1935; providing the loss of residence upon moving to another State and declaring an emergency.

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

§ 1. AMENDMENT.] That Sub-section (1) of Section 4 of Chapter 97 of the Session Laws of 1933 is hereby amended and re-enacted to read as follows:

SUB-SECTION 1. The residence of a married woman follows that of her husband if he has any within or without the State. If a woman has a residence within the State her marriage to a man who has no residence within the State shall not endow such man with residence within the State for poor relief purposes; however, such marriage between a woman who has residence within the State and a man who has no residence within or without the State shall not divest such woman from residence within the State for the purposes of poor relief until she acquires a new residence elsewhere. Provided further, that should a husband desert his wife within one year after such marriage, in such case the wife may reacquire such residence as she had in this State at the time of her marriage.

§ 2. AMENDMENT.] That Sub-section 4 of Section 4 of Chapter 97 of the Session Laws of 1933, as amended by Chapter 119 of the Session Laws of 1935, is hereby amended and re-enacted to read as follows:

SUB-SECTION 4. Each male person and each unmarried female over the age of twenty-one years, who shall have resided one year continuously in any county in this State, shall thereby gain residence in such county. Residence within any county for poor relief purposes can only be acquired by residing within such county for one year continuously without receiving any type of public assistance or poor relief, whether county, State of [or] Federal. Each minor whose parents and each married woman whose husband has no residence in the State, who shall have resided one year continuously in the State, but not in any one county, shall have a settlement in the county in which he or she has longest resided within such year. Every minor not emancipated and settled in his own right shall have the same settlement as the parent with whom he has last resided. If any person who has not theretofore acquired residence within the State or settlement within a county within the State becomes a recipient of any type of poor relief or public assistance or becomes

an inmate of any hospital, poor house, jail, prison or other public institution, or receives any aid or relief, from the poor fund of any county and/or from funds provided by the State and/or by the Federal Government, then such period of time under which residence can be acquired shall begin with the date of the last type of aid or poor relief or other assistance which was given, or the date of discharge from any such institution.

§ 3. That if any person shall voluntarily move from this State with the intent to acquire residence within another State, then his residence in this State for poor relief purposes shall be lost, destroyed or defeated in the same manner and upon like conditions as the residence of a person in that State voluntarily moved to this State would be so lost, destroyed or defeated, provided, however, that in no case shall more than one year of voluntary absence from this State be required to lose residence in this State for poor relief purposes.

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

Approved February 15, 1939.

CHAPTER 127

S. B. No. 133—(Committee on Education)

REQUIRING SEGREGATION SINKING FUND LEVIES BY COUNTY AUDITORS AND TREASURERS

An act relating to the duties of county auditors and county treasurers, with relation to the levy, collection and record of municipal bonds, sinking funds, and declaring an emergency.

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

§ 1. Each county auditor shall deliver to the county treasurer of his county at the time the tax lists are delivered to him, as provided by Section 2154 C. L., 1913, as amended by Section 2 of Chapter 241, of the Session Laws of 1929, a separate detailed schedule showing separately the amount of tax and the mill rate of levy therefor for each separate levy for sinking fund certified to him by the various municipalities, partly or wholly within his county, including levies for sinking funds for bonds issued by his county, each stated separately; and a true and correct duplicate thereof shall be kept by such county auditor among the permanent records of his office.

§ 2. Each county treasurer shall, at the close of each month,

make a permanent office record showing separately and distinctly the amount of each separate municipal levy for sinking fund which is included in the taxes collected, and such record shall at all times show the amount of each annual levy for each separate interest and sinking fund, as shown by the schedule delivered to him by the county auditor as provided by Section 1, hereof, collected by him.

§ 3. Each county treasurer shall, when remitting taxes to the treasurers of the various municipalities of his county, as required by law, deliver to the municipal treasurer and county treasurer as custodian to whom remittance is made, a statement showing definitely the amount included in the sum remitted properly belonging to each separate sinking fund levied by the municipality to whose treasurer remittance is made.

§ 4. The failure on the part of any county auditor or county treasurer to comply with the provisions hereof shall constitute a misdemeanor.

§ 5. All acts, or parts of acts, in conflict herewith are hereby repealed.

§ 6. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect immediately after its passage and approval.

Approved March 15, 1939.

COURTS

CHAPTER 128

H. B. No. 153—(Committee on Public Welfare)

AUTHORIZING JUVENILE COURT TO COMMIT CERTAIN CASES TO FEEBLE MINDED INSTITUTION

An act amending and re-enacting Chapter 123 of the Session Laws of 1931, authorizing the juvenile court to commit to the Institution for the Feeble Minded any dependent, neglected or delinquent child who is feeble minded or whose mental condition is found a subject for inquiry.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 123 of the Session Laws of 1931 be, and the same hereby is, amended and re-enacted to read as follows: