

or more classes may be made exempt from either dues or assessments or both, in the manner and to the extent provided either in the articles of incorporation or by the by-laws.

The amount of the levy and method of collection of such dues or assessments, or both, may be fixed in the articles of incorporation or by-laws, or the articles of incorporation, or the by-laws, may authorize the board of directors to fix the amount thereof from time to time and make them payable at such times or intervals, and upon such notice and by such methods of collecting as the directors may prescribe and may be made enforceable by action or by forfeiture of membership, or both, upon such notice as the articles of incorporation or by-laws may prescribe.

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

Approved March 17, 1941.

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## COUNTIES

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### CHAPTER 125

H. B. No. 117—(Tuff and Allen by Request)

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#### DUTIES OF CORONER

An Act to Amend and Re-enact Section 3406 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to the Duties of the Coroner; Repealing all Acts or Parts of Acts in Conflict Herewith; Declaring an Emergency.

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

§ 1. AMENDMENT.] That Section 3406 of the Compiled Laws of the State of North Dakota for the year 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 3406. The coroner shall hold an inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means, except as otherwise specifically provided. When he has notice of the dead body of a person supposed to have died by unlawful means found or being in his county he shall summon the sheriff or a police officer or the states attorney to accompany him, and he shall be required to issue his warrant to the sheriff or any constable of his county, requiring him to summon forthwith three electors,

having the qualifications of jurors of the county, to appear before the coroner at the time and place named in the warrant.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. 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 7, 1941.

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## CHAPTER 126

H. B. No. 89—(Mollet, Rohde, Olson of Barnes and Olson of Bowman)

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### PERMIT BOARD OF COUNTY COMMISSIONERS TO EXCHANGE LANDS

An Act to Permit the Board of County Commissioners of any County to Exchange its Lands Acquired by Tax Deed for Other Lands in the Same County when Deemed to be for the Best Interests of the County.

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

§ 1. BOARD OF COUNTY COMMISSIONERS PERMITTED TO EXCHANGE LANDS.] That the Board of County Commissioners of any County in this State be, and they are hereby authorized to exchange any lands, the title to which has been acquired by tax deed proceedings, for any other lands in the same county, when it is deemed advisable or for the best interests of the county that such exchange be made, upon publication by the Board of County Commissioners of notices of the proposed exchange, to be published six, four and two weeks prior to the date of the proposed exchange, in the official newspaper of the county in which the lands are located, which said notice shall give the legal description of the lands to be exchanged, and the names of the owners thereof of the respective lands, and the decision of the said Board to exchange said lands may be appealed from as now provided by law; provided, however, that the Board of County Commissioners shall not be authorized or permitted to acquire title to any land through exchange for it of other property, unless the county shall receive full value in such exchange, and unless the land so acquired shall be free and clear of all liens and encumbrances, and provided further that in making an exchange for other lands, the Board of County Commissioners shall not be permitted to pay out or expend any funds or money belonging to the County, except the expenses incurred in the publications as herein provided.

§ 2. TRANSFER BY DEED.] That upon the making of an exchange of said lands, for other lands in the county, the Board of County Commissioners and County Auditor are hereby authorized to give a deed in the usual form, transferring all the right, title and interest of the county in or to such lands held through tax deed proceedings, to the party or parties from whom they receive other lands in exchange therefor, and they are hereby authorized to receive a deed from such other parties to their county, conveying to the county the title to such lands as they acquire through such exchange.

§ 3. This Act shall become effective January 1, 1942.

Approved February 21, 1941.

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## CHAPTER 127

H. B. No. 91—(Semerad, Mollett)

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### COUNTY COMMISSIONERS MAY ACT AS LEASING AND COLLECTING AGENTS

An Act to Amend and Re-enact Section 3 of Chapter 237, Laws of 1939 and Providing that County Commissioners may Act as Leasing and Collection Agents for the County.

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

§ 1. Section 3, Chapter 237, Laws 1939 is hereby amended and re-enacted to read as follows:

§ 3. Said County Commissioners shall not expend more than ten per cent (10%) of the total revenue collected from all such leases to defray any and all costs in connection with the supervision and collection of rentals. Provided the County Commissioners may authorize one or more members of that board to attend to the leasing, handling or collection of rentals in connection with such lands in the whole or part of their county, or the board of county commissioners may employ a competent and experienced person to manage, lease and collect rentals for all lands owned by the county, who shall be known as the County Land Agent and shall be bonded by the State Bonding Fund in such amount as the Board of County Commissioners shall determine to secure the faithful discharge of his official duties; that such agent shall deposit all rentals and fees collected by him with the County Treasurer and take his receipt therefor. The County Commissioners shall fix the compensation and limit the expense which such agent may incur in managing, leasing and collecting such rentals and which compensation and expenses shall not exceed 10% of the total revenue collected by such agent and shall be paid out of the revenue derived from the rentals of county

lands. Provided that any County Commissioner doing any such work shall receive a per diem of not to exceed three dollars (\$3.00) per day and mileage not to exceed five cents (5c) per mile for each mile necessarily traveled in connection therewith. And that any County Commissioner shall not receive such per diem and mileage as leasing agent during any day in which he makes a charge as County Commissioner and that services rendered as such leasing agent shall be considered entirely separate and apart from his duties or services as county commissioner.

Approved March 13, 1941.

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## CHAPTER 128

H. B. No. 223—(Twichell, Saumur, Blair & Crockett)

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### DESTRUCTION OF OLD COUNTY RECORDS

**An Act Authorizing and directing County Auditors to destroy certain old, no longer of use, and obsolete books, blanks, forms, and Records of their Offices and 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 the County Auditors of their respective counties be, and they are hereby authorized and directed to destroy by burning, all election poll books, election registration books, petitions of candidates and all other election forms, blanks, books and records of every kind and description except abstract of votes; also all assessment slips, crop statistic books, hail insurance books, hail insurance applications and withdrawals, collection sheets for writing up tax collections, tax certificates that have been paid or redeemed, tax levy blanks of school districts, townships, villages and cities, tax receipts and township and village board of review records and school district posting books, provided, that none of the record books, forms or blanks above referred to, shall be destroyed until they are ten years old. Authorization and direction is also hereby given for the destruction of all tax certificates that have been paid or redeemed prior to the year 1929.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] Whereas the vaults of County Auditors in many counties are inadequate now to care for the current records and these old records, and many of the County Auditors are facing the necessity of purchasing new filing equipment and arranging for new storage space, the above and foregoing 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 17, 1941.

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## CHAPTER 129

S. B. No. 109—(Wog and Raschko)

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### COUNTIES, DISORGANIZATION OF BY PETITION AND ELECTION

An Act to Authorize the disorganization of counties by petition and election; 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 the repeal of acts in conflict herewith.

*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 registered notice as provided in Section 2, the State Examiner shall make and complete an audit for 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 of 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 55% or more of all the legal votes cast in the county 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 equivalent 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 moneys and property of whatsoever nature shall be de-

livered 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, moneys, 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 moneys and properties held in trust, and for the moneys 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 moneys, 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 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.

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

Approved March 13, 1941.

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## CHAPTER 130

S. B. No. 206—(Delayed Bills Committee)

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### COUNTY CONSOLIDATED OFFICE FORM OF GOVERNMENT

An Act Providing for an Optional Form of County Government to be known as the "County Consolidated Office Form", prescribing the procedure for the adoption thereof, and defining the powers and duties of the County Officers provided for thereunder.

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

§ 1. Any county in the state is hereby authorized to adopt a form of government as herein defined and in accordance with the procedure herein set forth, which shall be known as the "County Consolidated Office Form."

§ 2. (a) Upon a petition filed with the County Auditor, signed by qualified electors of the county equal to forty per cent of the total number of votes cast for Governor at the last general election in said county, asking that an election be held on the question of adoption of the County Consolidated Office Form of government, it shall be the duty of the Board of County Commissioners to submit the question at the next regular primary or general election. The

question submitted shall be worded in the following form "Shall the County Consolidated Office Form of Government be adopted by ----- County"?

(b) It shall be the duty of the County Auditor to publish a notice once each week for four successive weeks, prior to the election at which said question is submitted, which notice shall be published in the official County paper and shall contain the question to be voted upon and the statement that such question will be submitted to the electors at the election designated therein, for approval or rejection by the electors. In all other respects the election upon such question shall be held and conducted, and the votes thereon canvassed and returned in manner provided by law for the election of county officers at a general election.

(c) If 55 per cent of the votes cast on the question at the election at which such question was submitted to the electors, shall be in favor of the County Consolidated Office Form of government, it shall go into effect on the first day of January next succeeding such election; provided, that no elected officer then in office whose office will no longer be elective, shall be retired prior to the expiration of the term of his office.

§ 3. Each county which has adopted the County Consolidated Office Form of government, shall have, in addition to a Board of County Commissioners now provided for by law, the following officers: one county auditor who shall be ex-officio county judge, ex-officio register of deeds and ex-officio clerk of the district court; one state's attorney, one sheriff, one county treasurer, one county superintendent of schools, one coroner, four justices of the peace and four constables. Each of such county officers, except the Board of County Commissioners, shall be appointed by the Board of County Commissioners at the time and in the manner herein provided, and shall hold office for a term of four years, except as herein otherwise provided, and until their successors are duly appointed and qualified; provided, that the sheriff and treasurer shall not hold office for more than four years in succession; and provided, further, that the Board of County Commissioners may, in their discretion, appoint the sheriff, the state's attorney and the county superintendent of schools, or any one or more of such officers, of any adjoining county, as the sheriff, state's attorney, and county superintendent of schools of such county. Any officer of an adjoining county who serves in an office to which he has been appointed pursuant to the provisions of this Act, shall serve for a term of two years and until his successor is duly appointed and qualified. Any sheriff, state's attorney or county superintendent of schools so appointed, shall be eligible to serve in such dual capacity, and shall receive the additional compensation therefor as provided in this Act. The County Commissioners shall be elected in the manner prescribed in Section 3257, Compiled Laws for 1913. Any county officer appointed hereunder shall be liable to

suspension and removal by the Governor or by judicial proceedings in the manner provided by law. The offices of Public Administrator and County Surveyor are abolished under this form of government.

§ 4. On or before the 15th day of January in the year in which such County Consolidated Office Form of government goes into effect, the Board of County Commissioners shall appoint a sheriff, state's attorney, county superintendent of schools, a coroner, four justices of the peace and four constables, who shall qualify within ten days thereafter; and not less than ten days prior to April 1, such board shall appoint a county auditor who shall qualify within ten days thereafter; and, not less than ten days prior to May 1 of such year, such board shall appoint a county treasurer who shall qualify within ten days thereafter, and such appointments shall thereafter be made each four years within ten days prior to the expiration of the term of such officers, provided that the failure of the board to make any such appointment within the time prescribed herein, shall not impair its power to subsequently make such appointment to be effective for the remainder of the term of the officer appointed. The incumbent County Judge, Register of Deeds and Clerk of the District Court shall continue in office until succeeded by the county auditor appointed pursuant to the provisions of this Act. Any vacancy resulting from any cause shall be filled by the Board of County Commissioners.

§ 5. Each county officer appointed pursuant to the provisions of this Act shall receive, as compensation for his services, the salary prescribed by law for such officer, except that the county auditor shall receive a salary not exceeding \$3000.00 per annum, to be fixed by the Board of County Commissioners, and the county treasurer shall receive a salary not exceeding the amount provided by law for the office of county treasurer, to be fixed by the Board of County Commissioners. In case the sheriff, state's attorney or county superintendent of schools of an adjoining county is appointed and such officer qualifies and serves in a dual capacity, he shall receive, in addition to his salary as an officer of the county of his residence, a sum not exceeding one-half of such salary, to be fixed by the Board of County Commissioner(s), which additional salary shall be paid by the county in the same manner as other county officers are paid.

§ 6. The county auditor shall, in addition to the duties and powers conferred by law on the auditor, perform the duties and functions and exercise the powers conferred by law on the register of deeds, clerk of the district court and county judge, respectively. He shall be the chief administrative officer of the county. He shall have the power, subject to the approval of the County Commissioners, to appoint a deputy auditor, a deputy register of deeds, a deputy clerk of the district court and a clerk of the county court, whose compensation shall be fixed by the Board of County Commissioners; provided, that the same person may be appointed to serve

as such deputy in two or more of such offices. He may also, subject to the approval of the Board of County Commissioners, employ such clerks, stenographers and other county employees as may be required to properly perform the duties of the several offices under his direction, whose compensation shall be fixed by the Board of County Commissioners. Any deputy appointed or person employed pursuant to this Act shall serve at the pleasure of the county auditor and may be appointed or employed to serve on a part time basis.

§ 7. The sheriff, state's attorney, county superintendent of schools, coroner, justices of the peace and constables appointed pursuant to the provisions of this Act, shall perform the duties and exercise the powers conferred by law upon such officials.

§ 8. The Board of County Commissioners shall exercise such powers and perform such duties as provided by law, except as otherwise specifically modified or enlarged by this Act; and, in addition, it shall have the power to delegate to the county auditor such duties of an administrative or executive nature as are not specifically conferred by law upon other officers, which delegated duties shall be exercised by the county auditor under the supervision of the Board of County Commissioners.

Approved March 15, 1941.

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## CHAPTER 131

H. B. No. 218—(Committee on State Affairs)

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### COUNTY MANAGER FORM OF GOVERNMENT

An Act Providing for an Optional Form of County Government to be known as the County Manager Form, and declaring an emergency.

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

§ 1. PLAN OPTIONAL.] Any county in the state is hereby authorized to adopt a form of government, as herein defined, and in accordance with the procedure herein specified, which shall be known as the County Manager Form.

§ 2. METHOD OF ADOPTION.] (a) Upon a petition, filed with the county auditor, signed by not less than 35% of the total number of voters of the county who voted for Governor at the last general election, asking that a referendum be held on the question of adopting the County Manager Form of government, it shall be the duty of the election officials to submit the question at the next primary or general election. The question submitted shall be worded: "Shall the County Manager Form of government be adopted in -----"

County?" In lieu of the petition, a resolution may be passed by a majority vote of the full board of county commissioners and filed with the county auditor asking for a referendum, in which case the election official shall proceed as in the case of a petition.

(b) It shall be the duty of the county auditor to publish a notice of the referendum once each week for four consecutive weeks, in the official county paper.

(c) If 55% of the votes cast on the question at the election shall be in favor of the County Manager Form of government, it shall go into effect at a date designated in the petition or resolution; provided, however, such date shall not be less than thirty days after the date of the election. Provided, that no elected official then in office, whose position will no longer be filled by popular election, shall be retired prior to the expiration of his term of office.

§ 3. The powers of a county as a body politic and corporate shall be vested in a board of county commissioners and exercised in the manner provided in this act.

§ 4. POWERS AND DUTIES OF THE COUNTY BOARD.] (a) The board of county commissioners (hereinafter called the county board) shall be the policy-determining body of the county, and except as otherwise provided by law, shall be vested with all the powers of the county, including power to levy taxes and to appropriate funds.

(b) The county board is vested with full power to inquire into the official conduct of any officer or office under its control and to investigate the accounts, disbursements, bills and receipts of any county officer, and for these purposes may subpoena witnesses, administer oath, and require the production of books, papers and other evidence; and in case any witness fails or refuses to obey any such lawful order of the county board, he shall be deemed guilty of a misdemeanor.

(c) The county board shall have the power to preserve order in its sessions and for this purpose may enforce obedience by fines not exceeding five dollars, or by imprisonment in the county jail for a period not exceeding twenty-four hours.

(d) All officers of the county shall be on a salary basis and require all fees to be accounted for and paid into the county treasury.

(e) Whenever in any county adopting this act it is not clear what officer provided for thereby or under the authority thereof shall exercise any power or perform any duty conferred upon or required of the county, or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer of the county designated by ordinance or resolution of the county board.

§ 5. COUNTY BOARD NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS.] Neither the county board nor any of its committees or

members shall direct or request the appointment of any person to, or his removal from, office by the county manager of any of his subordinates, or in any manner take part in the appointment or removal of officers or employees in the administrative service of the county. Except for the purpose of inquiry or in emergencies, the county board and its members shall deal with that portion of the administrative service over which the manager is responsible solely through the manager, and neither the county board nor any member thereof shall give orders to any subordinate of the county, either publicly or privately. Any violation of the provisions of this section by a member of the county board shall be a misdemeanor, conviction of which shall immediately result in the forfeiture of his office by the member so convicted.

§ 6. APPOINTMENT OF MANAGER.] (a) The county board shall appoint a county manager and fix his compensation. He shall be the administrative head of the county government, and shall devote his full time to this work. He shall be appointed with regard to merit only, and he need not be a resident of the county at the time of his appointment. No member of the county board, shall, during the time for which elected, be chosen manager, nor shall the managerial powers be given to a person who at the same time is filling an elective office.

(b) The manager shall not be appointed for a definite tenure, but shall be removable at the pleasure of the county board. In case the county board determines to remove the manager, he shall be given, if he so demands, a written statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a public meeting of the county board prior to the date on which his final removal shall take effect, but pending and during such hearing the county board may suspend him from office, provided that the period of suspension shall be limited to thirty days. The action of the board in suspending or removing the manager shall not be subject to review. In case of the absence or disability of the manager the county board may designate some responsible person to perform the duties of the office.

§ 7. APPOINTMENT OF SUBORDINATES.] The manager shall be responsible to the county board for the proper administration of all the affairs of the county which the board has authority to control. To that end he shall appoint all officers and employees in the administrative service of the county, except as otherwise provided in this act, and except as he may authorize the head of a department or office responsible to him to appoint subordinates in such department or office. All appointments shall be on the basis of ability, training and experience of the appointees which fit them for the work which they are to perform. All such appointments shall be without definite terms unless for temporary service not to exceed sixty days.

§ 8. REMOVAL OF OFFICERS OR EMPLOYEES.] Any officer or

employee of the county appointed by the manager, or upon his authorization, may be laid off, suspended or removed from office or employment either by the manager or the officer by him appointed.

§ 9. RIGHT TO ATTEND COUNTY BOARD MEETINGS.] The manager, the directors of all departments, and all other officers of the county shall be entitled to be present at all sessions of the county board. The manager shall have the right to present his views on all matters coming before the board and the directors and other officers shall be entitled to present their views relating to their respective departments or offices. This right shall apply to all officers of the county whether elective or appointive.

§ 10. POWERS AND DUTIES OF THE COUNTY MANAGER.] (a) As the administrative head of the county government for the county board, the manager shall supervise the collection of all revenues, guard adequately all expenditures, secure proper accounting for all funds, look after the physical property of the county, exercise general supervision over all county institutions and agencies, and, with the approval of the county board, co-ordinate the various activities of the county and unify the management of its affairs.

(b) He shall execute and enforce all resolutions and orders of the county board, and see that all laws of the state required to be enforced through the county board or other county officers subject to its control are faithfully executed.

(c) He shall attend all meetings of the county board and recommend such actions as he may deem expedient.

(d) He shall appoint all officers and employees in the administrative service of the county, except as otherwise provided in this act.

(e) He shall fix, with the approval of the county board, the compensation of all officers both elective and appointive and employees whom he or a subordinate appoints.

(f) He may remove such officers, agents and employees as he may appoint and he shall report every appointment or removal to the next meeting of the county board.

(g) He shall prepare and submit the annual budget and execute the budget in accordance with the resolutions and appropriations made by the county board.

(h) He shall make regular monthly reports to the county board in regard to matters of administration, and keep the board fully advised as to the financial condition of the county.

(i) He shall examine regularly the books and papers of every officer and department of the county and report to the county board the condition in which he finds them. He may order an audit of any office at any time.

(j) He shall perform such other duties as may be required of him by the county board.

§ 11. ADMINISTRATIVE ACTIVITIES.] (a) The county manager shall be responsible to the county board for the administration of the following activities: (1) all duties now or hereafter imposed by general law on the county auditor in the matter of assessment of property for taxation and the preparation of the tax rolls; (2) the collection of the taxes, license fees, and other revenues of the county and its subdivisions; (3) the custody and accounting of all public funds belonging to or handled by the county; (4) the purchase of all supplies for the county except those specifically excepted in this act; (5) the care of all county buildings; (6) the care and custody of all the personal property of the county; (7) the recording of deeds, mortgages and other instruments, and the entry and preservation of such other public records as the law requires; (8) the construction and maintenance of county highways and bridges; (9) such relief and welfare activities as are by general law made county functions; (10) public health work and the operation of the county hospitals; (11) such other activities of the county as are not specifically assigned to some other officer or agency by this act or by laws of the state subsequently enacted.

(b) These activities shall be distributed among the departments hereinafter described. There shall be a department of finance, a department of public works, and a department of public welfare; and the county board may, upon recommendation of the county manager, establish additional departments. Any activity which is unassigned by this act shall be assigned by the county board to an appropriate department, and any activity so assigned may, upon the recommendation of the county manager, be transferred by the board to another department.

(c) The manager shall appoint a director for each department provided for or authorized by this section, and he may, with the consent of the county board, act as the director of one or more departments himself or appoint one director for two or more departments. The subordinate officers and employees of each department shall be appointed or employed by the manager, unless he chooses to delegate this power in particular instances to a subordinate officer.

(d) The manager shall have power to employ persons on a part-time basis and may transfer personnel between the different departments.

§ 12. COMPENSATION ESTABLISHED BY COUNTY BOARD.] The county manager shall establish a schedule of compensation for officers and employees which shall provide uniform compensation for like service. Such schedule of compensation may establish a minimum and maximum for any class, and an increase in compensation, within the limits provided by any class, may be granted at any time by the county manager or other appointing authority upon the basis of efficiency and seniority records.

§ 13. PREPARATION AND SUBMISSION OF THE BUDGET.] On or

before the 6th day of July of each year the manager shall prepare and submit to the county board a budget presenting a financial plan for conducting the affairs of the county for the ensuing year. The budget shall be set up in the manner prescribed by general statute and shall be published prior to the date of the adoption by the county board. Published notices and hearings shall be in accordance with the general statutes.

§ 14. DEPARTMENT OF FINANCE.] (a) The director of finance shall have charge of the administration of the financial affairs of the county, including the budget; the assessment of property for taxation; the collection of taxes, license fees, and other revenues, the custody of all public funds belonging to or handled by the county; control over the expenditures of the county; the disbursement of county funds; the purchase, storage and distribution of all supplies, materials, equipment and contractual services needed by any department, office, or other using agency of the county; the keeping and supervision of all accounts; and such other duties as the county board may by ordinance or resolution require.

(b) No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance or resolution legally enacted supplement thereto. Accounts shall be kept for each item of appropriation made by the county board. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligations entailed by contract, agreement or order.

(c) The director of finance shall have such duties in connection with assessments of property as are now or may hereafter be imposed on county auditors by general statute.

(d) The director of finance shall either act as tax collector and county treasurer or shall appoint and have supervision over these officials; provided, that in lieu of the appointment of a treasurer the county board may select and designate annually, by ordinance or recorded resolution, some bank or banks or trust company as an official treasury for the funds of the county. All moneys received by any officer or employee of the county for or in connection with the business of the county shall be paid promptly into the hands of the county treasurer or the bank or trust company acting as county treasury. Any bank serving as depository for county funds shall be subject to such requirements as to security therefor and the interest thereon as provided by general statutes for public depositories. All interest on money so deposited shall accrue to the benefit of the county.

(e) The director of finance shall be charged with the keeping of all general books of financial and budgetary control for all depart-

ments and offices of the county. Report shall be made to him daily, or as often as he may require, showing the receipt of all moneys and disposition thereof. He shall submit to the county board through the manager each month a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the county and of each department and division thereof. He shall submit once a year, or more often if the county board requires it, a complete financial statement showing the assets and liabilities of the county.

(f) The county board shall require an annual audit of the books of every county officer who handles public funds, to be made by an accountant who is not a regular officer or employee, and who is thoroughly qualified by training and experience. If the state provides an auditing service, whether at the expense of the state or the county, such audit may be considered as having satisfied the requirement of this section.

Either the county board or the manager may at any time order an examination or audit of the accounts of any officer or department of the county government. Upon the death, resignation, removal or expiration of the term of any officer of the county, the director of finances shall cause an audit and investigation of the accounts of such officer to be made and shall report the results thereof to the manager and the county board. In case of the death, resignation or removal of the director of finance, the county board shall cause an audit to be made of his accounts. If, as a result of such audit, an officer be found indebted to the county, the county board shall proceed forthwith to collect such indebtedness.

(g) The director of finance shall either act as purchasing agent or shall appoint and have supervision over this official. The purchasing agent shall make all purchases for the county in the manner, and with such exceptions, as may be provided by resolution of the county board. He shall have authority to make transfers of supplies, materials and equipment between departments and offices, to sell any surplus supplies, materials or equipment, and to make such other sales as may be authorized by the county board. He shall also have power, with the approval of the county board, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county, and to inspect all deliveries to determine their compliance with such specifications and standards. He shall have charge of such storerooms and warehouses of the county as the county board may provide.

Before making any purchase or sale, the purchasing agent shall invite competitive bidding under such rules and regulations as the county board may by ordinance or resolution establish. The purchasing agent shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of properly approved requisition and unless there be an unencumbered appropriation balance sufficient to pay for the same.

§ 15. DEPARTMENT OF PUBLIC WORKS.] The director of public works shall have charge of the construction and maintenance of county roads and bridges, county drains, and all other public works; the construction and care of public buildings, storerooms and warehouses, and such equipment and supplies as the county board may authorize; and shall perform such other duties as the county board may prescribe.

§ 16. DEPARTMENT OF PUBLIC WELFARE.] The director of public welfare shall have charge of the relief and welfare activities now or hereafter imposed upon counties by general statute, hospitals, charitable and correctional institutions, parks and playgrounds, and public health; and shall perform such other duties as the county board may prescribe.

§ 17. COUNTY OFFICERS, DUTIES AND FUNCTIONS.] The duties and powers of county officers and the transfer of functions in counties adopting the County Manager Form of Government, except as otherwise provided in this act, shall be as follows:

(a) States Attorney.] The county manager may employ a county attorney, endorsed by the county board, to serve as legal adviser to the county board and to himself, to act as counsel for the county in any suit instituted by or against the county, to perform such other duties as may be prescribed by the county board and as may be required to be performed by state's attorneys.

(b) Sheriff.] There shall be elected in the county a sheriff, in the manner and method prescribed by general statutes. Except as otherwise provided herein, he shall perform the duties and be subject to the restrictions contained in general statutes.

(c) Auditor.] Except as provided herein, the functions now or hereinafter imposed by general statutes on county auditors shall be performed by the director of finance.

(d) Treasurer.] Except as herein otherwise provided, the functions now or hereafter imposed by general statutes on county treasurers shall be performed by or under the direction of the director of finance.

(e) Register of Deeds.] Except as herein otherwise provided, the functions now or hereafter imposed on registers of deeds shall be performed by or under the direction of the director of finance.

(f) Clerk of the District Court.] Except as herein otherwise provided, the functions now or hereafter imposed on the clerk of the district court shall be performed by the county judge.

(g) County Judge.] The county judge shall be elected biennially in the manner and method now or hereafter prescribed by general statute. He shall perform the functions now or hereafter imposed on this office by general statute.

(h) County Superintendent of Schools.] The county super-

intendent of schools shall be elected biennially in the manner now or hereafter prescribed by general statute. He shall perform the functions now or hereafter prescribed by general statute.

(i) The office of coroner shall be abolished, and the functions now or hereafter imposed on said office shall be performed by the sheriff. In case of conflict or inconsistency between the functions of the coroner and the sheriff, then, in that event, such inconsistent duties or functions now or hereafter imposed on the coroner shall be performed by the county attorney.

(j) Public Administrator.] The office of public administrator shall be abolished. Any functions now or hereafter imposed on the public administrator which may require attention shall be performed by a suitable person appointed by the county judge, who shall receive compensation at the same rate now or hereafter allowed the administrator of an estate.

(k) Surveyor.] The office of county surveyor shall be abolished, and the functions now or hereafter imposed on the surveyor by general statute, except as otherwise specified herein, shall be performed by the director of public works.

(l) County Justices of the Peace.] The offices of county justices of the peace shall be abolished, and the functions now or hereafter imposed on county justices of the peace by general statute, except as herein provided, shall be performed by the county judge.

(m) County Constables.] The office of county constable shall be abolished and the functions now or hereafter imposed on county constables shall be performed by the sheriff.

(n) County Commissioner.] The Board of County Commissioners shall consist of three or five members as is now provided by general statute. County Commissioners holding office at the time this form of government goes into effect shall continue to hold office until the expiration of their term; thereafter, they shall be elected in the manner now or hereafter provided by general statute.

Vacancies in the board of county commissioners shall be filled by the remaining members, the county judge, superintendent of schools and sheriff.

§ 18. BONDING OF OFFICERS.] The County manager shall give bond to the amount of not less than \$10,000. The directors of finance shall give bond to the amount of \$10,000. In case the county manager serves also as director of finance, he shall give bond to the full amounts indicated above. The county board shall have the power to fix bonds in excess of these amounts, and to require bonds of other county officers in their discretion, conditioned on the faithful discharge of their duties and the proper accounting of all funds coming into their possession.

§ 19. CONTRACT INTEREST PROHIBITED.] No member of the county board or other officer or employee of the county, or person

receiving a salary or compensation from funds appropriated by the county, shall be interested directly or indirectly in any contract to which the county is a party, either as principal, surety, or otherwise; nor shall any such officer or employee or his partner, agent, servant or employee or the firm of which he is a member purchase from or sell to the county, any real or personal property, nor shall he be interested, directly or indirectly, in any work or service to be performed for the county or in its behalf. Any contract made in violation of any of these provisions shall be void.

§ 20. ELECTIONS AS TO RETENTION OF THE PLAN.] At any time after said County Manager plan shall have been in force in any county for a period of four years, the county commissioners may, and shall when petitioned by 35% of the legal votes as provided in Section 2 of this Act, ninety days before any primary election, submit the question of whether or not said county manager plan shall be retained at any primary election, and if 55% of the legal votes cast at such primary election shall be against retaining said plan, then said county shall revert to the plan theretofore in force therein and the provisions of this law shall not be applicable thereto save after another compliance with its terms. Provided that when such petition shall have been filed, candidates for all county offices required by the plan theretofore in force may file nominating petitions, and if 55% of the legal votes cast at such primary election shall be against retaining the county manager plan, then the candidates nominated shall be voted upon at the general election and successful candidates elected in accordance with the general election laws. And provided further that said County Manager plan when so rejected by a 55% vote shall cease to be operative on the first Monday of January next succeeding such primary election, and that the terms of office of all officers elected as herein provided shall commence on said first Monday of January.

§ 21. 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, 1941.

**CHAPTER 132****H. B. No. 270—(State Affairs Committee)****COUNTY MANAGERSHIP, SHORT FORM**

**An Act Providing for an Optional Form of County Government to be known as the Short Form of County Managership, and declaring an emergency.**

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

§ 1. PLAN OPTIONAL.] Any county in the State is hereby authorized to adopt a form of government, as herein defined, and in accordance with the procedure herein specified, which shall be known as the Short Form of Managership.

§ 2. METHOD OF ADOPTION.]

(a) Upon a petition filed with the county auditor, signed by not less than 35% of the total number of voters of the county who voted for governor at the last general election, asking that a referendum be held on the question of adopting the Short Form of County Managership, it shall be the duty of the election officials to submit the question at the next primary or general election. The question submitted shall be worded "Shall the Short Form of County Managership be adopted in \_\_\_\_\_County?" In lieu of the petition, a resolution may be passed by a majority vote of the full board of county commissioners and filed with the county auditor asking for a referendum, in which case the election officials shall proceed as in the case of a petition.

(b) It shall be the duty of the county auditor to publish a notice of the referendum once each week for four consecutive weeks, in the official county paper.

(c) If 55% of the votes cast on the question at the election shall be in favor of the Short Form of County Managership, it shall go into effect at a date designated in the petition or resolution; provided, however, such date shall not be less than thirty days after the date of the election. Provided, that no elected official then in office whose position will no longer be filled by popular election shall be retired prior to the expiration of his term of office.

§ 3. The powers of a county as a body politic and corporate shall be vested in a board of county commissioners and exercised in the manner provided in this act.

§ 4. POWERS AND DUTIES OF THE COUNTY BOARD.] (a) The board of county commissioners (hereinafter called the county board) shall be the policy-determining body of the county and except as otherwise provided by law, shall be vested with all the powers of the county, including power to levy taxes and to appropriate funds.

(b) The county board is vested with full power to inquire into the official conduct of any officer or office under its control and to investigate the accounts, disbursements, bills and receipts of any county officer, and for these purposes may subpoena witnesses, administer oaths, and require the production of books, papers and other evidence; and in case any witness fails or refuses to obey any such lawful order of the county board, he shall be deemed guilty of a misdemeanor.

(c) The county board shall have the power to preserve order in its sessions and for this purpose may enforce obedience by fines not exceeding five dollars, or by imprisonment in the county jail for a period not exceeding twenty-four hours.

(d) All officers of the county shall be on a salary basis and require all fees to be accounted for and paid into the county treasury.

(e) Whenever in any county adopting this act it is not clear what officer provided for thereby or under the authority thereof shall exercise any power or perform any duty conferred upon or required of the county or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer of the county designated by ordinance or resolution of the county board.

§ 5. COUNTY BOARD NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS.] Neither the county board nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the county manager or any of his subordinates, or in any manner take part in the appointment or removal of officers or employees in the administrative service of the county. Except for the purpose of inquiry or in emergencies, the county board and its members shall deal with that portion of the administrative service over which the manager is responsible solely through the manager, and neither the county board or any member shall give orders to any subordinate of the county, either publicly or privately. Any violation of the provisions of this section by a member of the county board shall be a misdemeanor, conviction of which shall immediately result in the forfeiture of his office by the member so convicted.

§ 6. APPOINTMENT OF MANAGER.]

(a) The county board shall appoint a county manager and fix his compensation. He shall be the administrative head of the county government, and shall devote his full time to this work. He shall be appointed with regard to merit only, and he need not be a resident of county at the time of his appointment. No member of the county board, shall during the time for which elected, be chosen manager, nor shall the managerial powers be given to a person who at the same time is filling an elective office.

(b) The manager shall not be appointed for a definite tenure,

but shall be removable at the pleasure of the county board. In case the county board determines to remove the manager, he shall be given, if he so demands, a written statement of the reasons alleged for the proposed removal and a right to a hearing thereon at a public meeting of the county board prior to the date on which his final removal shall take effect, but pending and during such hearing the county board may suspend him from office, provided that the period of suspension shall be limited to thirty days. The action of the board in suspending or removing the manager shall not be subject to review. In case of the absence or disability of the manager the county board may designate some responsible person to perform the duties of the office.

§ 7. APPOINTMENT OF SUBORDINATES.] The manager shall be responsible to the county board for the proper administration of all the affairs of the county which the board has authority to control. To that end he shall appoint all officers and employees in the administrative service of the county, except as otherwise provided in this act. All appointments shall be on the basis of ability, training and experience of the appointees which fit them for the work which they are to perform. All such appointments shall be without definite term unless for temporary service not to exceed sixty days.

§ 8. REMOVAL OF OFFICERS OR EMPLOYEES.] An officer or employee of the county appointed by the manager may be laid off, suspended or removed from office or employment by the manager.

§ 9. RIGHT TO ATTEND COUNTY BOARD MEETINGS.] The manager and all other officers of the county shall be entitled to be present at all sessions of the county board. The manager shall have the right to present his views on all matters coming before the board and the other officers shall be entitled to present their views relating to their respective departments or offices. This right shall apply to all officers of the county whether elective or appointive.

§ 10. POWERS AND DUTIES OF THE COUNTY MANAGER.] (a) As the administrative head of the county government for the county board, the manager shall supervise the collection of all revenues, guard adequately all expenditures secure proper accounting for all funds, look after the physical property of the county, exercise general supervision over all county institutions and agencies, and, with the approval of the county board, coordinate the various activities of the county and unify the management of its affairs.

(b) He shall execute and enforce all resolutions and order of the county board, and see that all laws of the state required to be enforced through the county board or other county officers subject to its control are faithfully executed.

(c) He shall attend all meetings of the county board and recommend such actions as he may deem expedient.

(d) He shall appoint all officers and employees in the administrative- (administrative) service of the county except as otherwise provided in this act.

(e) He shall fix, with the approval of the county board, the compensation of all officers, both elective and appointive and employees whom he or a subordinate appoints.

(f) He may remove such officers, agents and employees as he may appoint and he shall report every appointment or removal to the next meeting of the county board.

(g) He shall prepare and submit the annual budget and execute the budget in accordance with the resolutions and appropriations made by the county board.

(h) He shall make regular monthly reports to the county board in regard to matters of administration, and keep the board fully advised as to the financial condition of the county.

(i) He shall examine regularly the books and papers of every officer and department of the county and report to the county board the condition in which he finds them. He may order an audit of any office at any time.

(j) He shall perform such other duties as may be required of him by the county board.

§ II. ADMINISTRATIVE ACTIVITIES.]

(a) The county manager shall be responsible to the county board for the administration of the following activities: (1) all duties now or hereafter imposed by general law on the county auditor in the matter of assessment of property for taxation and the preparation of the tax rolls; (2) the collection of taxes, license fees, and other revenues of the county and its subdivisions; (3) the custody and accounting of all public funds belonging to or handled by the county; (4) the purchase of all supplies for the county except those specifically excepted in this act; (5) the care of all county buildings; (6) the care and custody of all the personal property of the county; (7) the recording of deeds, mortgages and other instruments, and the entry and preservation of such other public records as the law requires; (8) the construction and maintenance of county highways and bridges; (9) such relief and welfare activities as are by general law made county functions; (10) public health work and operation of the county hospitals; (11) such other activities of the county as are not specifically assigned to some other officer or agency by this act or by laws of the state subsequently enacted.

(b) The manager shall appoint all officers and employees of the county, except as otherwise provided by this act. He may employ persons on a part time basis, and may transfer employees among the different departments.

§ 12. COMPENSATION ESTABLISHED BY THE MANAGER.] The county manager shall establish a schedule of compensation for officers

and employees which shall provide uniform compensation for like service. Such schedule of compensation may establish a minimum and maximum for any class, and an increase in compensation, within the limits provided by any class, may be granted at any time by the county manager upon the basis of efficiency and seniority records.

§ 13. PREPARATION AND SUBMISSION OF THE BUDGET.] On or before the 6th day of July of each year the manager shall prepare and submit to the county board a budget presenting a financial plan for conducting the affairs of the county for the ensuing year. The budget shall be set up in the manner prescribed by general statutes and shall be published prior to the date of the adoption by the county board. Published notices and hearings shall be in accordance with the general statutes.

§ 14. FINANCES.]

(a) The manager shall have charge of the administration of the financial affairs of the county including the budget; the assessment of property for taxation; the collection of taxes, license fees and other revenues, the custody of all public funds belonging to or handled by the county; control over the expenditures of the county; the disbursement of county funds; the purchase, storage and distribution of all supplies, materials, equipment and contractual services needed by any department, office, or other using agency of the county; the keeping and supervision of all accounts; and such other duties as the county board may by ordinance or resolution require.

(b) No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance or resolution legally enacted supplement thereto. Accounts shall be kept for each item of appropriation made by the county board. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligations entailed by contract, agreement or order.

(c) The county manager shall have such duties in connection with the assessment of property as are now or may hereafter be imposed on the county or its officers by general statutes.

(d) The manager shall either act as tax collector and county treasurer or shall appoint and have supervision over these officials; provided, that in lieu of the appointment of a treasurer the county board may select and designate annually by ordinance or recorded resolution, some bank or banks or trust company as an official treasury for the funds of the county. All moneys received by an officer or employee of the county for or in connection with the business of the county shall be paid promptly into the hands of the county treasurer or the bank or trust company acting as county treasurer.

Any bank serving as depository for county funds shall be subject to such requirements as to security therefor and the interest thereon as provided by general statutes (statutes) for public depositories. All interest on money so deposited shall accrue to the benefit of the county.

(e) The manager shall be charged with the keeping of all general books of financial and budgetary control for all departments and offices of the county. Report shall be made to him daily, or as often as he may require, showing the receipt of all moneys and disposition thereof. He shall submit to the county board each month a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the county and of each department and division thereof. He shall submit once a year, or more often if the county board requires it, a complete financial statement showing the assets and liabilities of the county.

(f) The county board shall require an annual audit of the books of every county officer who handles public funds, to be made by an accountant who is not a regular officer or employee, and who is thoroughly qualified by training and experience. If the state provides an auditing service, whether at the expense of the state or the county, such audit may be considered as having satisfied the requirement of this section.

Either county board of (or) the manager may at any time order an examination of audit of the accounts of any officer or department of the county government. Upon the death, resignation, removal or expiration of the term of any officer of the county, the manager shall cause an audit and investigation of the accounts of such officer to be made and shall report the results thereof to the county board. In case of death, resignation or removal of the manager the county board shall cause an audit to be made of his accounts. If, as a result of such audit, an officer be found indebted to the county, the county board shall proceed forthwith to collect such indebtedness.

(g) The manager shall either act as purchasing agent or shall appoint and have supervision over this official. The purchasing agent shall make all purchases for the county in the manner, and with such exceptions, as may be provided by resolution of the county board. He shall have authority to make transfers of supplies, materials and equipment between departments and offices, to sell any surplus supplies, materials or equipment, and to make such other sales as may be authorized by the county board. He shall also have power, with the approval of the county board, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county, and to inspect all deliveries to determine their compliance with such specifications and standards. He shall have charge of such storerooms and warehouses of the county as the county board may provide.

Before making any purchase or sale, the purchasing agent shall invite competitive bidding under such rules and regulations as the county board may by ordinance or resolution establish. The purchasing agent shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of properly approved requisition and unless there be an unencumbered appropriation balance sufficient to pay the same.

§ 15. PUBLIC WORKS.] The manager shall have charge of the construction and maintenance of county roads and bridges, county drains, and all other public works; the construction and care of public buildings, storerooms and warehouses, and such equipment and supplies as the county board may authorize; and shall perform such other duties in connection therewith as the county board may prescribe.

§ 16. PUBLIC WELFARE.] The manager shall have charge of the relief and welfare activities now or hereafter imposed upon counties by general statutes, hospitals, charitable and correctional institutions, parks and playgrounds, and public health; and shall perform such other duties in connection therewith as the county board may prescribe.

§ 17. COUNTY OFFICERS, DUTIES AND FUNCTIONS.] The duties and powers of county officers and the transfer of functions in counties adopting the Short Form of County Managership, except as otherwise provided in this act, shall be as follows:

(a) State's Attorney.] The county manager may employ a county attorney, endorsed by the county board, to serve as a legal advisor to the county board and to himself, to act as counsel for the county in any suit instituted by or against the county, to perform such other duties as may be required to be performed by state's attorneys. Provided, however, the manager is authorized and empowered, with the approval of the county board, to appoint from time to time, or on an annual basis, the state's attorney of an adjoining county to perform such duties as may be required of a county attorney. The compensation for such services shall be that agreed upon by the state's attorney so appointed, the county manager, and the county commissioners of the two counties affected.

(b) Sheriff.] The county manager shall appoint one or more police officers, whose compensation shall be fixed by the manager with the approval of the county board. Such police officer shall perform all duties relating to the administration of justice, now or hereafter imposed on the sheriff by the general statutes. Provided, however, the county manager may from time to time, or on an annual basis, contract with an adjoining county and its sheriff to obtain the services of such sheriff of such adjoining county. The compensation for such sheriff shall be such as shall be agreed upon by the sheriff, the manager and the commissioners of the two counties affected.

Civil duties now or hereafter imposed on the sheriff by general statutes, shall be performed by or under the direction of the manager.

(c) Auditor.] Except as provided herein, the functions now or hereafter imposed by general statutes on county auditors shall be performed by or under the direction of the county manager.

(d) Treasurer.] Except as herein otherwise provided, the functions now or hereafter imposed by general statutes on county treasurers shall be performed by or under the direction of the county manager.

(e) Register of Deeds.] Except as herein otherwise provided, the functions now or hereafter imposed by general statutes on the register of deeds shall be performed by or under the direction of the county manager.

(f) Clerk of District Court.] Except as herein otherwise provided, the functions now or hereafter imposed by general statutes on the clerk of district court shall be performed by the county judge.

(g) County Judge.] The county judge shall be elected biennially in the manner and method now or hereafter prescribed by general statute. He shall perform the functions now or hereafter imposed on the office by general statutes.

(h) County Superintendent of Schools.] The county superintendent of schools shall be elected biennially in the manner now or hereafter prescribed by general statutes. He shall perform the functions now or hereafter prescribed by general statutes.

(i) Coroner.] The office of coroner shall be abolished, and the functions now or hereafter imposed by general statutes on said office shall be performed by the manager.

(j) Public Administrator.] The office of public administrator shall be abolished, and the functions now or hereafter imposed by general statute on the public administrator by general statute shall be performed by the county manager.

(k) County Surveyor.] The office of county surveyor shall be abolished, and the functions now or hereafter imposed by general statute on the surveyor shall be performed by or under the direction of the county manager.

(l) County Justices of the Peace.] The offices of county justices of the peace shall be abolished, and the functions now or hereafter imposed on county justices of the peace by general statutes shall be performed by the county judge.

(m) County Constables.] The office of county constable shall be abolished and the functions now or hereafter imposed on county constables by general statutes shall be performed by the police officer or officers appointed by the manager or the sheriff of an adjoining county, employed as provided in subdivision (b) of this section.

(n) County Commissioner.] The Board of County Commis-

sioners shall consist of three or five members as is now provided by general statute. County Commissioners holding office at the time this form of government goes into effect shall continue to hold office until the expiration of their term; thereafter, they shall be elected in the manner now or hereafter provided by general statute.

Vacancies in the board of county commissioners shall be filled by the remaining members, the county judge, except in case of tie the county superintendent of schools shall be a member of the appointed board.

§ 18. BONDING OF OFFICERS.] The county manager shall give bond to the amount of not less than \$10,000.00. The county board shall have the power to fix bonds in excess of these amounts, and to require bonds of other county officers in their discretion, conditioned on the faithful discharge of their duties and the proper accounting for all funds coming into their possession.

§ 19. CONTRACT INTEREST PROHIBITED.] No member of the county board or other officer or employee of the county, or person receiving a salary or compensation from funds appropriated by the county, shall be interested directly or indirectly in any contract to which the county is a party, either as principal, surety, or otherwise; nor shall any such officer or employee or his partner, agent, servant or employee or the firm of which he is a member purchase from or sell to the county, any real or personal property, nor shall he be interested, directly or indirectly, in any work or service to be performed for the county or in its behalf. Any contract made in violation of any of these provisions shall be void.

§ 20. ELECTION AS TO RETENTION OF THE PLAN.] At any time after said County Manager plan shall have been in force in any county for the period of four years the county commissioners may, and upon petition signed by thirty-five per cent of the legal voters as provided in Section 2 of this Act at a general election or an election to be called for that purpose within thirty days after the filing of the petition, the question of whether or not said county manager plan shall be retained, and if fifty-five per cent of the legal votes cast at such election shall be against retaining said plan, then said county shall revert to the plan therefore in force therein and the provisions of this law shall thereafter not be applicable thereto save after another compliance with its terms; the county commissioners shall fix the date at which the plan shall cease to be operative therein, which shall not be less than three months nor more than six months after the election.

§ 21. 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, 1941.

## CHAPTER 133

S. B. No. 192—(Committee on Delayed Bills)

**PROVIDING FOR PAYMENT OF JUDGMENTS OBTAINED BY  
STATE OR AGENCY AGAINST ANY COUNTY**

An Act Providing for the payment of final judgments obtained by the State or any agency, bureau, department or officer thereof against any county; limiting the amount of tax that can be levied and extended in any one year; creating a special fund therefor and providing for the disbursement of such fund.

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

§ 1. When any final judgment or judgments is or are obtained against any county by the State or any agency, bureau, department or officer thereof, it shall be the mandatory duty of the board of county commissioners, after the filing of a certified copy of such judgment or judgments with the county Auditor, thereafter, at the same meeting at which they levy taxes for general county purposes, to levy an irrevocable tax, in addition to all other taxes levied, upon all of the taxable property in such county in an amount sufficient to pay and discharge such judgment or judgments in full. It shall be the mandatory duty of the county Auditor each year, when he extends the taxes for general county purposes, to extend therewith and in addition thereto sufficient mills upon the tax list against all of the taxable property in the county to pay said judgment or judgments in full in annual installments of not to exceed one mill each year, in not to exceed eight years. The tax authorized to be levied and extended by this act shall not be subject to the tax levy limitation for general county purposes but shall be levied in addition thereto.

All taxes collected from such levies shall be paid into a special fund to be established by the county Treasurer to be known as "Judgment Payment Fund," and shall be used and disbursed only for the purpose of paying any such judgment or judgments as provided under this Act. Whenever there is money in said fund, the county Auditor shall forthwith draw his warrant for the amount thereof in favor of the judgment creditor or creditors or assigns, upon a pro rata basis until said judgment or judgments are paid in full. Any balance remaining in said fund after such judgment or judgments have been paid in full, upon the resolution of the board of county commissioners, shall be transferred to the county general fund.

The property of the county, and of persons owning property situate or liable to taxation therein, shall in no case be subject to judgment lien, nor to seizure or sale upon execution or other process of any court.

Approved March 17, 1941.

**CHAPTER 134**

**H. B. No. 332—(McInnes and Beede—Approved by Committee on Delayed Bills)**

**LAND USE POLICY, TAX DEED LANDS**

**An Act Declaring a Land Use Policy Relative to Agricultural Lands Obtained by the County on Tax Deed Proceedings, and Empowering the Board of County Commissioners to Conform to such Policy in the Sale and Lease of Such Lands. Declaring an Emergency.**

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

§ 1. That whereas it is extremely important to the State of North Dakota, the counties and the other taxing districts thereof that all agricultural lands be put to the best possible use and, so far as possible, be operated by individuals who reside thereon or are actively engaged in the operation of such lands and in units of a size which may be efficiently managed and operated; and

WHEREAS, at the present time many of such agricultural lands held by the counties under tax deed proceedings are being purchased by individuals who cannot make efficient use of such lands and, in some instances, by those who do not expect to complete purchase contracts from the county thereon but to use the same as long as possible without further consideration than the initial down payment; and

WHEREAS, some purchasers of such lands are putting them to uses which may result in the serious or total damage of such lands and lands adjoining the same; it is

THEREFORE declared to be the public policy of this State relative to such agricultural lands that the same shall, so far as possible, be sold to such persons and to complete such units as will avoid the said abuses and preserve the interests of the State, county and other taxing districts by placing the land, so far as possible, in individuals who will make good and efficient use thereof and to continue to pay taxes thereon without the necessity of recurrent tax sale proceedings relative thereto.

§ 2. The county commissioners of each county are, therefore, hereby empowered, in the sale or lease of agricultural lands held by the county under tax deed proceedings, to put into effect the foregoing public policy by refusing to sell or lease in any manner such agricultural lands where in their discretion the person applying for such sale or lease will, (a) seriously impair the fertility of such tract or adjoining lands by use thereof which will result in wind or water erosion, etc., or (b) such lands by such sale or lease will become a part of an agricultural unit which will be too small or too large to be operated in conformance with the best interests of the community and taxing districts and therefore is apt to result in failure of the

owner or lessee to pay taxes upon the said land, or (c) where the sale of such lands so held by the county would result in lessening the value or marketability of adjacent tracts of such lands held by the county at such time.

§ 3. The county commissioners are further empowered to classify agricultural lands held by them so as to determine which tracts are properly usable for tillage and which tracts are usable only for haying or grazing purposes.

§ 4. To assist in the effectiveness of Section 2 hereof applicants for deeds or leases upon county agricultural lands may file with the county auditor, before the time set for sale or leasing of such county agricultural tax lands, a statement in such form as may be prescribed by the county commissioners, giving information as to the size of the farming unit for which such lands are applied, the uses intended therefor, and such other information relative to the planned operation of such lands as the county commissioners may reasonably deem necessary for the information of such board.

§ 5. 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 17, 1941.

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## CHAPTER 135

S. B. No. 208—(Committee on Delayed Bills)

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### AUTHORIZING COUNTIES TO MAINTAIN ACTIONS IN CLAIMS TO QUIET TITLE TO LANDS ACQUIRED THROUGH TAX DEEDS

An Act Authorizing counties to maintain actions in adverse claims to quiet title to lands acquired through tax deeds; providing for the joinder of the causes of action and parties defendant; providing for separate trials and judgments; authorizing judgments by default and prescribing the procedure applicable to the service of process and trial of such actions.

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

§ 1. COUNTIES MAY MAINTAIN ACTIONS TO DETERMINE ADVERSE CLAIMS.] Any county may maintain and prosecute any action to determine adverse claims and to quiet title to all lands acquired by it through tax deed proceedings against any person, firm or corporation claiming an estate, interest in, or lien or incumbrance upon any such lands.

§ 2. JOINDER OF CAUSES OF ACTION.] In all actions brought by any county to determine adverse claims and to quiet title to real estate acquired through tax deed proceedings, the county may unite in the same complaint, as may separate causes of actions as the State's Attorney shall determine advisable, provided however, that each description of real estate and the name of person, firm or corporation claiming an adverse estate or interest therein shall be separately stated so that any answering Defendant can take issue with the county by challenging the truth of the facts alleged in the particular paragraph applicable to the property of such answering Defendant.

§ 3. JOINDER OF PARTIES DEFENDANT.] In all actions brought to determine adverse claims the county may join as many persons, firms and corporations as parties defendant whose estates, interest in, or lien or incumbrance upon any real property appears of record, as the State's Attorney shall determine necessary, regardless of the non-existence of a common interest in and to all of the real property involved in such action and that all other persons unknown, whose estates or interest do not appear of record may be proceeded against and joined as parties defendant by adding the allegation:

"All other persons unknown claiming any estate or interest in, or lien or incumbrance upon the property described in the complaint."

§ 4. ACTIONS HOW TRIED AND JUDGMENTS WHEN TAKEN.] That whenever any defendant answers such Complaint and the issues have been duly joined such cause of actions against such answering Defendant may be tried separately to the Court and a separate judgment may be entered thereon, provided however, that joint judgments by default may be taken in the manner provided by law against all Defendants who may be in default; notwithstanding the fact that some of the Defendants may have answered such Complaints and that the issues presented thereby are pending trial.

§ 5. SERVICE OF PROCESS AND PROCEDURE APPLICABLE.] That all provisions of law relating to the service of process in civil actions and to the provisions of Sections 8147 to 8165 inclusive, of the Compiled Laws for the year 1913, relating to the procedure in actions brought to determine adverse claims, in so far as the same are consistent with the provisions hereof, shall apply to and govern the service of process, and the procedure upon the trial of all actions brought pursuant to the provisions of this Act.

Approved March 13, 1941.

**CHAPTER 136****H. B. No. 123—(Smart, Holm & Black)****COUNTIES, MINERAL GAS AND OIL RIGHTS****An Act Reserving to the Counties of the State Mineral, Gas and Oil Rights; and Declaring an Emergency.***Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. In all transfers of land hereafter made by any county of the State of North Dakota of lands now owned by such county or of lands which may hereafter be acquired by any county of the State by tax proceedings, deed, quit claim deed, or by any other method, and whether such transfers made by such county are made by deed, contract or lease, there shall be reserved to such county transferring such land fifty per cent (50%) of all oil, natural gas, and/or mineral which may be found on or underlying such land. Any transfer, deed or lease which does not contain such reservation shall be construed as if such reservation were contained therein. This act shall not apply to any lands redeemed by the former record owner thereof within one year after the date the county issues title thereof.

§ 2. It is the intention of the Legislature in passing this act to reserve to the county one-half of all oil, natural gas, and/or minerals found on or under such land with the intention that the county may join with the owner of the other fifty per cent (50%) of such oil, gas or mineral rights to make any standard or reasonable contract for the drilling, mining and/or production of oil, gas and minerals upon a royalty basis.

§ 3. 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 14, 1941.

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**CHAPTER 137****S. B. No. 183—(Kehoe)**

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**CLAIMS FOR REIMBURSEMENT COUNTY RELIEF**

**An Act Providing that county funds used for relief are not a gift; providing for a general claim by the county against the estate of a recipient; providing that the statute of limitations shall not run against such claim; and declaring an emergency.**

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

§ 1. County funds used for subsistence, medical, hospital or burial expenses of county indigents shall not be considered as a gift and the county shall have a general claim against the estate of any person for such funds expended for such person and his legal dependents and that the statute of limitations shall not run on any such claim.

§ 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 14, 1941.

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**CHAPTER 138****S. B. No. 94—(Streibel)**

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**SHERIFFS PROHIBITED FROM ACTING AS PRIVATE  
COLLECTION AGENTS**

**An Act Prohibiting any Sheriff, Deputy Sheriff or Employee in the Sheriff's Office, or any Constable, from acting as a Collector or Collection Agent for any Person, Firm or Corporation in the Collection of any accounts or claims in the County where he is acting as such Sheriff, Deputy Sheriff or Employee, and Prescribing Penalties.**

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

§ 1. It shall be unlawful for any sheriff, deputy sheriff, or employee in the sheriff's office, or any constable while holding office as sheriff, or deputy sheriff, or while so employed in the sheriff's office, or any Constable, in any county in this state, to accept for collection or to collect or attempt to collect any note, account or claim of any nature or description, from any person, firm, association or corporation within his county for pay, profit or remuneration, other than such collections as come within his duties imposed upon him by virtue of his office.

§ 2. It is the intent of the Legislature to prohibit by this act the acceptance of any private accounts for collection by any sheriff, deputy sheriff or employee of the sheriff's office, or any Constable and to prevent the use of the prestige of such office to force the payment of private claims and accounts.

§ 3. Any sheriff, deputy sheriff or employee of the sheriff's office, or any Constable, violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not to exceed One Hundred Dollars (\$100.00).

Approved March 6, 1941.

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## CHAPTER 139

S. B. No. 143—(Committee on Judiciary)

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### COUNTY AUDITOR'S CERTIFICATE, TRANSFER OF REAL ESTATE

An Act to amend and re-enact Section 2212, of the Supplement to the Compiled Laws of 1913, of the State of North Dakota, as amended by Chapter 271 of the Laws of 1927, as amended by Chapter 121 of the Laws of 1931, relating to the duty of the county auditor and requirements of the transfer of real property as to taxes, deeds, mineral deeds and other instruments of conveyances, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 2212 of the Supplement to the Compiled Laws of 1913 of the State of North Dakota, as amended by Chapter 271 of the Laws of 1927, as amended by Chapter 121 of the Laws of 1931, be amended and re-enacted to read as follows:

§ 2212. Whenever any deed or patent is presented to the County Auditor for transfer, he shall ascertain from the books and records in the offices of the County Treasurer and County Auditor if there be delinquent taxes or special assessments on the land described therein, or if it has been sold for taxes and if there are delinquent taxes or delinquent special assessments or installments of special assessments due thereon, he shall certify to the same, and when the receipt of the County Treasurer shall be produced for the said delinquent taxes or special assessments or installments of special assessments that may be in the hands of the County Treasurer or County Auditor for collection, the County Auditor shall enter on every deed or patent so transferred over his official signature, "Delinquent taxes and special assessments or installment of special assessments, paid and transfer entered," or if the land described

has been sold for taxes, "paid by sale of the land described within," or if it is an instrument entitled to record without regard to taxes "transfer entered," and unless such entry is made upon any deed or patent, the Register of Deeds shall refuse to receive or record the same; provided, the sheriff's or referee's certificates of sale on execution or foreclosures of mortgages, and mineral deeds conveying oil, gas and other minerals in or under the surface of lands, and final decrees of distribution may be recorded by the Register of Deeds without any such certificate from the County Auditor; and provided further that any deed conveying to the state or any political subdivision or municipal corporation thereof, any right of way for use as a public street, alley or highway, shall be entitled to record without regard to taxes, unless the land conveyed has been sold for taxes prior to the taking effect of this act. The County Auditor shall keep a record of such transfers in a book kept for that purpose, showing the names of the grantor and grantee, a description of the property and the date of the transfer, and shall collect twenty-five cents for each certificate, from the person or persons presenting the same for certification, and said money so collected shall be by him paid into the office of the County Treasurer at the end of each month and be placed to the credit of the general fund of the county.

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

Approved March 13, 1941.

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## CHAPTER 140

S. B. No. 78—(Committee on Taxes and Tax Laws)

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### RATE OF INTEREST ON WARRANTS

An Act to amend and re-enact Section 3352 of the Compiled Laws of North Dakota for 1913, to authorize the registration of warrants issued by taxing districts not paid for want of funds; Limiting the rate of interest of registered warrants; Requiring notice for presentation for payment thereof; and Declaring an emergency.

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

§ I. AMENDMENT.] Section 3352 of the Compiled Laws of North Dakota for 1913 is hereby amended and Re-enacted to read as follows:

§ 3352. Whenever the law authorizes the officers of any county, city or village to issue warrants in excess of the amount of cash available in any fund upon which warrants are drawn for payment,

the treasurer of such taxing district, when such warrant is presented to him for payment, if not paid for want of funds shall endorse the same "Presented for payment this-----day of-----19---- and not paid for want of funds", and thereupon enter such warrant in his warrant register in the order of presentation for registration.

That the governing body of any such taxing district, authorizing the issuance of warrants in excess of cash on hand shall determine the rate of interest which such warrants shall bear, provided that the rate of interest shall not exceed five percent per annum from the date of registration until the expiration of the time specified for presentment for payment.

That whenever any treasurer of such taxing district shall have received money belonging to any particular fund, sufficient to pay the warrants drawn against such fund, such treasurer shall immediately notify by mail, the person in whose name such warrant is registered or his assignee, if notified of the assignment, that unless such warrant is presented for payment on or before the date specified in such notice, the interest upon such warrant shall immediately cease after such date.

That all warrants so registered shall be paid in the order of their registration.

§ 2. EMERGENCY.] That 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 14, 1941.

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## CRIME

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### CHAPTER 141

H. B. No. 130—(Shure, Beede, and Aker)  
(Special Committee on Code Revision.)

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#### PUNISHMENT FOR BURGLARY

An Act to Amend and Re-enact Section 9876 of the 1913 Compiled Laws of North Dakota relating to Punishment for Burglary.

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

§ 1. AMENDMENT.] That Section 9876 of the 1913 Compiled Laws of North Dakota be amended and re-enacted to read as follows:

§ 9876. PUNISHMENT FOR BURGLARY.] Burglary is punish-