

## MUNICIPAL GOVERNMENT

### CHAPTER 260

S. B. No. 73

(Legislative Research Committee)

#### CITY AND VILLAGE CONTRACTS FOR ELECTRICAL ENERGY OR GAS AN ACT

To amend and reenact section 40-0505 of the North Dakota Revised Code of 1943, relating to city and village contracts for electrical energy or gas.

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

§ 1. AMENDMENT.) Section 40-0505 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0505. CITIES AND VILLAGES MAY CONTRACT FOR ELECTRICAL ENERGY OR GAS.) The governing body of any city or village may enter into a contract with any person, partnership, association, corporation or the United States or any department or agency thereof to provide for:

1. The furnishing of electrical energy or gas to the inhabitants of the city or village and to the city or village for all purposes; or
2. The sale to and the purchase by the city or village, for a term of not to exceed ten years, of electrical energy or gas required for city or village purposes.

The making and execution of any such contract must be authorized by a resolution of the governing body adopted by a majority of the members thereof at a regularly assembled meeting of such body. Nothing contained in this section shall deprive the public service commission of any of its regulatory powers with reference to contract rates.

Approved February 27, 1951.

## CHAPTER 261

H. B. No. 726  
(Fleck)

ASSESSMENT OF COSTS OF GENERAL WELFARE WORK  
BY MUNICIPALITIES

## AN ACT

To amend and reenact section 40-05011 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to assessment of costs of work done by municipalities for general welfare.

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

§ 1. AMENDMENT.) Section 40-05011 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40 05011. ASSESSMENT OF COSTS OF WORK DONE NECESSARY FOR THE GENERAL WELFARE.) Whenever it becomes necessary for the general welfare, public health, fire protection or public safety to order an owner or occupant of property to do certain work provided for by ordinance, and such owner or occupant refuses to conduct or comply with such order, the work may be done by the municipality and the owner or occupant of such property billed for the same by the municipality, or whenever a municipality for the general welfare, public health, fire protection or public safety establishes by ordinance and maintains and operates a garbage and rubbish collection and removal system, the cost of such service may be charged to the owner or occupant of the property served. If such bill is not paid when due, the amount thereof may be assessed against the premises on which such work is done, or for which the service is rendered, and collected and returned in the same manner as other municipal taxes are assessed, certified, collected, and returned.

Approved March 1, 1951.

## CHAPTER 262

S. B. No. 188  
(Bridston and Shure)

POWERS OF GOVERNING BODY; DUTIES OF CITY MANAGER  
UNDER CITY MANAGER PLAN OF GOVERNMENT

## AN ACT

To amend and reenact sections 40-1006 of the North Dakota Revised Code of 1943 relating to the city manager plan of government.

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

§ 1. AMENDMENT.) Section 40-1005 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1005. POWERS OF GOVERNING BODY.) The governing body shall have in addition to other powers granted by law the following powers:

1. It may inquire into the conduct of any office, department, or agency of the city;
2. It may by ordinance establish, change and abolish offices, departments and agencies, other than those required by law, and may add to or take away from the duties of the various offices, departments and agencies.

§ 2. AMENDMENT.) Section 40-1006 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1006. DUTIES OF CITY MANAGER.) The city manager shall have the following duties:

1. He shall be responsible to the governing body of the municipality for the proper administration of all of the affairs of the city;
2. He shall prepare and submit to the governing body between the first and tenth days of July in each year, an annual preliminary budget as provided for under chapter 40 of this title, and shall be responsible for the administration of the final budget, subject to the control of the governing body as to changes in the same;
3. He shall be responsible for law enforcement.
4. He shall appoint and remove, subject to civil service regulations if in effect, all heads of administrative departments and employees of the city; provided, however, he

- shall neither appoint nor remove the head of any department without first consulting with the governing body.
5. He shall keep the governing body advised of the financial condition of the city and make such recommendations as may seem desirable; and
  6. He shall be responsible for the purchase of all supplies, materials and equipment for the operations of the city, provided that for any purchase the cost of which exceeds one thousand dollars, the governing body shall establish the procedure for purchasing the same.

Approved March 6, 1951.

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## CHAPTER 263

S. B. No. 254  
(Delayed Bills Committee)

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### ACQUISITION OF PROPERTY OUTSIDE OF CITY LIMITS FOR MUNICIPAL WATER SUPPLY

#### AN ACT

To amend and reenact section 40-2203 of the North Dakota Revised Code of 1943, relating to the improvements for the making of which the governing bodies of municipalities may acquire by purchase or condemnation property outside the municipal limits thereof, and authorizing such acquisition of property for the purpose of obtaining a water supply and conducting the same to the municipal limits, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-2203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2203. ACQUIRING PROPERTY FOR SEWERS, WATER MAINS AND WATER SUPPLY BEYOND CORPORATE LIMITS.) When it is necessary to conduct the sewage of a municipality beyond the municipal limits, or to acquire a supply of water beyond such limits and to construct mains or aqueducts to conduct such water to the municipal limits, the governing body, by grant, purchase or condemnation proceedings may acquire private property over which to construct the sewer, or upon and over which to establish facilities for obtaining and storing such water supply and aqueducts or mains for conducting the same to the corporate limits. Public property may likewise be acquired for such purposes by grant or purchase from the government or public corporation owning the

same. The cost of acquiring such property and of building such sewer or other facilities upon or over the property may be included in the cost of construction or acquisition of a municipal waterworks or sewerage system and in the special assessments levied therefor, or the entirety of such a project may be completed as an improvement to an existing waterworks or sewerage system and special assessments may be levied therefor in accordance with the provisions of this title.

§ 2. 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 5, 1951.

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## CHAPTER 264

S. B. No. 61  
(Legislative Research Committee)

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### REGISTRATION OF VOTERS IN CITIES OR VILLAGES

#### AN ACT

To amend and reenact section 40-2110 of the 1949 Supplement to the North Dakota Revised Code of 1943 and to repeal chapter 16-02 of the North Dakota Revised Code of 1943, relating to registration of voters.

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

§ 1. AMENDMENT.) Section 40-2110 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2110. REGISTRATION OF VOTERS.) The governing body of any city or village may require the registration of voters in municipal elections at such time and place or places as the governing body may designate.

3. REPEAL.) Chapter 16-02 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 28, 1951.

## CHAPTER 265

H. B. No. 803

(Trydahl)

AGREEMENTS BY CITIES WITH HIGHWAY DEPARTMENT  
OR COUNTIES FOR SPECIAL IMPROVEMENTS

## AN ACT

Relating to agreements by cities with a population of over ten thousand with the highway department; relating to improvements and special improvements districts, and declaring an emergency.

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

§ 1. CITIES WITH A POPULATION OF OVER TEN THOUSAND MAY ENTER INTO AGREEMENT WITH HIGHWAY DEPARTMENT OR COUNTY FOR CERTAIN IMPROVEMENTS.) Any city in this state, with a population of over ten thousand, through its governing body, may enter into an agreement with the highway department of the state of North Dakota, or with the board of county commissioners of the county in which such city is located, or both, for the improvement of streets, sewers, and water mains, and for this purpose, may create a special improvement district or special improvement districts. Before entering into such an agreement, the governing body shall declare by resolution that it is necessary to make such improvement, setting forth the area to be assessed for the cost of said project, and shall publish such resolution once each week for two consecutive weeks in the official newspaper of the municipality. If within thirty days after the first publication the owners of seventy-five percent of the property liable to be assessed file written protests, the governing body shall not enter into such agreement.

§ 2.) When a city has entered into an agreement pursuant to the provisions of this Act, under the terms of which the contract for such work is to be let by the state highway department or by the board of county commissioners, or by both jointly, the portion of the cost of the project to be borne by the owners of the property benefited thereby shall not exceed twenty percent of the total cost thereof. The governing body of such city, after taking steps to create the special improvement district or districts, as the case may be, may dispense with the balance of the requirements relating to plans for, bids upon, contracts for the construction of, and any other steps leading up to the construction of an improvement by the special assessment method. Upon the completion of such work, the governing body of the city shall cause to be certified to

the special assessment commission that portion of the cost of the project to be borne by the property owners within each special improvement district, and the assessment of such amount to the owners of the property benefited shall be made as in other cases provided for in chapter 40-33 of the North Dakota Revised Code of 1943 as the same may be amended from time to time.

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

Approved March 9, 1951.

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## CHAPTER 266

S. B. No. 140  
(Bridston and Rue)

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### SEWER OR WATER IMPROVEMENTS AND PARKING LOTS REPAYABLE BY SERVICE CHARGES

#### AN ACT

To amend and reenact section 40-2216 of the North Dakota Revised Code of 1943, relating to improvements to be paid for by service charges, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-2216 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2216. SEWER OR WATER IMPROVEMENTS AND PARKING LOTS IN MUNICIPALITIES MAY BE PAID FOR BY SERVICE CHARGES.) A municipality constructing a sewer or water improvement or a parking lot under the special assessment method may resolve in the resolution required by section 40-2215 that a portion of the cost of the improvement shall be raised by service charges for the use of the improvement. If the municipality so resolves, it may determine, in its resolutions, ordinances, and other proceedings relating to the levying of special assessments and the issuing of warrants to pay the cost of such improvement, the portion of such cost to be assessed specially against any property specially benefited and cause to be assessed only the portion so determined. All of the applicable provisions of this title relating to special assessments shall be applicable to such improvements except as to the portion of the cost thereof resolved or ordained to be paid by service charges. The governing body of the municipality shall provide for the establishment, imposition, and collection of service charges

for the services furnished by such improvement and in connection therewith, it shall have all the rights and powers respecting such service charges as it would have with respect to like matters if such improvement were made in accordance with chapter 35 of this title. The net revenues derived from the imposition and collection of such service charges shall be paid into the appropriate improvement district funds created pursuant to section 40-2418. Such revenues when collected shall be used and applied in the same manner as moneys paid into such funds from the collection of special assessments.

§ 2. 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 February 27, 1951.

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CHAPTER 267

S. B. No. 256  
(Duffy and Olson)

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PURCHASE AND FINANCING WATER WORKS,  
SEWAGE PLANTS AND SYSTEMS

AN ACT

To amend and reenact section 40-2238 of the North Dakota Revised Code of 1943, relating to the types of utility systems which may be purchased by municipalities and financed by special assessment of the property benefited thereby, and authorizing such financing of the purchase of sewage treatment and disposal plants and sewer systems, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-2238 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2238. APPLICATION OF CHAPTER TO WATERWORKS AND WATER MAINS; ACQUISITION OF WATERWORKS, SEWAGE TREATMENT AND DISPOSAL PLANTS AND SEWER SYSTEMS.) The provisions of this chapter relating to water mains and waterworks shall apply only to municipalities which own or contemplate owning a system of waterworks and water mains. In case of the purchase of a waterworks system or of a sewage treatment or disposal plant or of a system of sewers, either by eminent domain or otherwise, a municipality may create improvement districts, direct the preparation of plans and specifications, adopt a resolution declaring the

purchase of such facilities necessary, and take all other proceedings prescribed by this chapter which would be taken in case of the construction of such facilities by the municipality itself for the purpose of defraying the cost thereof by special assessment of the property benefited thereby. The property benefited may be specially assessed for the purchase of such facilities, either separately or as a part of a new system, the same as if said facilities were constructed entirely anew.

§ 2. 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 9, 1951.

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## CHAPTER 268

H. B. No. 740  
(Saumur, Trydahl)

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### VALIDATION OF CERTAIN CITY AND VILLAGE PROCEEDINGS AND SPECIAL IMPROVEMENT WARRANTS

#### AN ACT

To confirm and make binding according to their terms special improvement warrants issued by any city or village and refunded by the issuance and sale of refunding warrants when more than ninety days have elapsed since the date of the agreement for the sale of such refunding warrants, or since the effective date of this Act, whichever is later, notwithstanding failure to comply with certain statutory requirements in connection with the issuance of such special improvement warrants.

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

1. CONFIRMATION OF CERTAIN PROCEEDINGS FOR CITY AND VILLAGE IMPROVEMENTS.) In all cases where any city or village shall have levied special assessments for the construction of any improvement permitted under the provisions of Chapter 40-22 of the North Dakota Revised Code of 1943, or amendments thereof, and shall have issued special improvement warrants therefor, and where call for bids for the construction of such improvement has been carried in the official paper at least once in each of two consecutive weeks prior to the meeting at which such bids were opened, specifying the time and place of opening the same, and where a contract or contracts for the construction of such improvement shall have been let and entered into, pursuant to such call, and where proceedings shall have been had for the refunding

of such special improvement warrants under the provisions of Chapter 40-27 of the North Dakota Revised Code of 1943, or amendments thereof, and the refunding warrants have been sold or exchanged, in the manner provided by law, and more than ninety days shall have elapsed since the execution by the city or village of an agreement for the sale of such refunding warrants, and where no court action or suit of any nature has been taken or is pending prior to September 30, 1951, concerning the issuance or validity of either the special improvement warrants or the refunding warrants, such proceedings and special improvement warrants and the contracts based thereon for the construction of such improvements are hereby legalized and declared valid for all purposes, notwithstanding failure or omission to create special improvement districts in the manner provided by law, or at all, or failure to defer action on the construction bids for five days, or at all, after the opening of the same, or failure to give notice of time and place of, or to hold, a later meeting to consider and act upon said bids, and notwithstanding that certain contracts may have been awarded at the same meeting at which such bids were opened, and all such contracts and special improvement warrants, and the special assessment levied in connection therewith, shall be and remain valid and binding obligations according to the terms thereof.

Approved March 6, 1951.

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## CHAPTER 269

H. B. No. 734  
(Baker, by request)

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### REFUNDING OF FUNDING BONDS AND SPECIAL ASSESSMENT WARRANTS

#### AN ACT

To permit the refunding of funding bonds and refunding special assessment warrants issued under the provisions of chapter 40-27 of the North Dakota Revised Code of 1943; repealing chapter 287 of the Session Laws of North Dakota for the year 1947; and declaring an emergency.

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

§ 1.) Any municipality may refund, according to the procedure set forth in chapter 40-27 of the North Dakota Revised Code of 1943, any funding bonds issued under the provisions of

said chapter which are callable prior to maturity or which shall be surrendered voluntarily for refunding, by the issuance of bonds upon the same terms and conditions except as to interest, whenever by so doing a saving in interest can be affected. Any municipality having valid outstanding refunding special assessment warrants issued pursuant to the provisions of chapter 40-27 of the North Dakota Revised Code of 1943, which are past due or which are redeemable either at the option of the municipality or with the consent of the warrant holders, may issue new refunding special assessment warrants to refund such outstanding warrants, if there is not sufficient money in the fund or funds against which such outstanding refunding warrants are drawn to pay the same. Such new warrants may be issued for the purpose of extending the maturities of the outstanding refunding warrants, or reducing the rate of interest on such warrants, or equalizing the general tax which the municipality may be, or may become, obligated to levy to discharge deficiencies in the fund or funds against which the outstanding refunding warrants are drawn. Such new warrants shall be issued according to the procedure set forth in said chapter 40-27 for the issuance of the original refunding special assessment warrants.

§ 2.) Chapter 287 of the Session Laws of North Dakota for the year 1947 is hereby repealed; provided, that such repeal shall not impair the validity or security of any obligations heretofore issued pursuant to said chapter 287, and in all cases where proceedings have been initiated for the issuance of obligations pursuant to said act such proceedings may be continued and such obligations issued in accordance with the provisions of this Act with like effect as if the same had originally been instituted subsequent to the passage of this Act.

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

Approved March 6, 1951.

## CHAPTER 270

H. B. No. 619  
(Larsen — Ward County)

## EXPENDITURE OF SURPLUS IN MUNICIPAL UTILITIES FUNDS

## AN ACT

To amend and reenact section 40-3312 of the North Dakota Revised Code of 1943, as amended, relating to municipal utilities funds, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-3312 of the North Dakota Revised Code of 1943, as amended by section 40-3312 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

40-3312. SURPLUS IN MUNICIPAL UTILITIES FUND; HOW EXPENDED; REGULATIONS GOVERNING.) When the governing body of the municipality shall determine that there is a cash surplus in the municipal utilities fund over and above any amount necessary to provide adequately for the operation, maintenance, repair, enlargement, alteration, improvement, and extension of the plant or plants, it, in its discretion, may invest the surplus or transfer it or a portion thereof as follows:

1. All or any part of the surplus may be invested by the governing body in interest-bearing bonds of the United States government, the State of North Dakota, or any bonds or special improvement district warrants of the municipality in which the municipal plant is located, and all the principal and interest on the warrants and bonds, when repaid, shall be placed back in the municipal utilities fund; or
2. The governing body may, upon adoption of a resolution declaring it necessary and upon approval of a majority of the votes cast at a special election called for such purpose held on or before October 1, 1951, expend not to exceed fifty per cent of the surplus now in the fund for the construction of one street leading to a state highway, and thereafter may divert and transfer from the surplus in the fund to the general fund of the municipality or to any other fund of the municipality a total sum of not more than twenty per cent of the gross receipts of the municipal utilities for the fiscal year of the municipality during which the transfer or transfers are made.

§ 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect upon its passage and approval.

Approved February 24, 1951.

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CHAPTER 271

S. B. No. 178

(Streibel, Sandness, Troxel and Pyle)

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INCLUSION OF TERRITORY WITHIN CITY LIMITS  
AN ACT

To amend and reenact section 40-5107 of the 1949 Supplement to the North Dakota Revised Code of 1943 and section 40-5108 of the North Dakota Revised Code of 1943, relating to inclusion of territory within city limits, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-5107 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5107. INCLUSION OF TERRITORY WITHIN CITY LIMITS BY RESOLUTION INITIATED BY GOVERNING BODY; COMPUTATION OF PROPERTY OWNERS; AND ASSESSED VALUATION REQUIRED.) The governing body of a city, by a resolution passed by a two-thirds vote of its members, may extend the boundaries of the city to increase the territory within the corporate limits by not more than one-fourth of its area. Before said resolution is passed the governing body shall compute the number of property owners and the assessed valuation of the property in the territory proposed to be annexed. The resolution shall describe particularly the land proposed to be incorporated with the city limits, setting forth the boundaries thereof and describing the land plotted by blocks and lots, and shall state the number of property owners therein. This section shall not authorize a city so to extend its boundaries as to include territory within another incorporated municipality.

§ 2. AMENDMENT.) Section 40-5108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5108. PUBLICATION OF RESOLUTION INCLUDING TERRITORY WITHIN CITY LIMITS; PROTESTS; WHEN ANNEXATION SHALL NOT BE MADE; WHEN HEARING REQUIRED; PASSAGE OF RESOLUTION;

FARMING, PASTURING LANDS NOT ANNEXED; ADJUSTMENT OF ASSETS.) The resolution of the governing body of a city adopted pursuant to section 40-5107 shall be published in the official newspaper of the city once each week for four successive weeks, and the territory described in the resolution shall be included within and shall become a part of the city unless a written protest of the proposed extension signed by more than one-fourth of the property owners as of the date of the adoption of the resolution within the territory described in the resolution is filed with the city auditor within ten days after the last publication of the resolution. If such protest is filed within the time stated, signed by more than three-fourths of the property owners as of the date of the adoption of the resolution by number within the territory proposed to be annexed, no annexation shall be made, except as hereinafter provided. If such protest is filed within the time stated signed by more than one-fourth of the property owners as of the date of the adoption of the resolution within the territory proposed to be annexed, the governing body shall hear the testimony offered for or against such annexation. If the governing body, after hearing the testimony and making a personal inspection of the territory proposed to be annexed, is of the opinion that such territory ought to be annexed, it may order the territory included within the corporate limits by a resolution passed by a two-thirds vote of members of the governing body. If the greater portion of the territory proposed to be annexed consists of lands used exclusively for farming or pasturage purposes, it shall not be annexed. Reimbursement for the cost of any improvements the title to which is acquired by the annexation proceedings and made within the past five years in the annexed territory by any political subdivision or individual or corporation shall be made by the city and the city shall assume a proportionate share of the bonded indebtedness, existing within the past five years, of any political subdivision from which territory is annexed.

§ 3. JURY TRIAL.) If the petition of protest so filed contains the names of three-fourths of the property owners as above provided, the question of whether or not the property shall be annexed shall be submitted to a jury for determination at a regular term of the district court.

§ 4. 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 17, 1951.

CHAPTER 272

S. B. No. 138  
(Olson and Rue)

DISPOSITION OF MUNICIPAL ASSETS AFTER DISSOLUTION;  
ELECTION

AN ACT

Providing for municipal election to determine disposition of municipal assets where property is being taken under eminent domain or purchase by the United States government and to authorize such governing body to contract with the United States government for replacement of existing improvements upon site determined at such election, and declaring an emergency.

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

§ 1.) The governing body of any municipal corporation situated on lands taken, or to be taken, by the United States under purchase or eminent domain, shall, after dissolution has been voted, as provided in sections 40-5307 and 40-5308, call an election to determine the disposition of the assets of said municipal corporation which remain after the payment of all debts at the effective date of dissolution. The governing body shall select a site and the party to which the assets shall be transferred, and shall cause the same to be placed and described upon the ballot as the question to be voted upon and underneath such question there shall be properly designated spaces for yes or no decision by the electors.

The form of the ballot shall be as follows:

The assets of the (village, city) of .....  
after the payment of all liabilities and debts upon the  
effective date of dissolution, shall be transferred to  
(here insert description determined by the board)

Yes

No

§ 2.) If a majority of the votes cast approve the transfer of the assets of the municipality to the site determined by the election

set forth in section 1, the governing body of the municipal corporation shall thereby be immediately authorized to contract with the United States government for the replacement of existing improvements of such municipality at the site, place or municipality designated in such election.

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

Approved February 27, 1951.

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CHAPTER 273

S. B. No. 137  
(Olson and Rue)

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DISSOLUTION OF VILLAGE, WHEN EFFECTIVE;  
DISPOSAL OF PROPERTY

AN ACT

To amend and reenact section 40-5308 of the North Dakota Revised Code of 1943, relating to election on question of dissolution of village; when dissolution effective; disposal of property, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-5308 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5308. ELECTION ON QUESTION OF DISSOLUTION OF VILLAGE; WHEN DISSOLUTION EFFECTIVE; DISPOSAL OF VILLAGE PROPERTY.) The board of trustees of the village shall preside at an election called under the provisions of section 40-5307, the polls shall be opened as at other village elections, and the electors shall vote by ballot. If a majority of the ballots cast at such election favor dissolution of the village, and the number of village electors voting for dissolution equals or exceeds two-fifths of the number of electors in the village, a statement of the vote signed by the president of the board of trustees and attested by the village clerk shall be filed in the office of the register of deeds. At the expiration of twenty-four months from the date of the election unless a shorter period is determined by the ballot in such election the village shall cease to be a municipal corporation. The prop-

erty of the village, after the payment of its debts and liabilities, shall be disposed of in such manner as a majority of the electors may direct at a special election held for that purpose.

§ 2. 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 February 27, 1951.

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## OCCUPATIONS AND PROFESSIONS

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### CHAPTER 274

S. B. No. 69  
(Legislative Research Committee)

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#### REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS

##### AN ACT

To amend and reenact subsection 2 of section 43-0209, subsection 2 of section 43-0210, and section 43-0214 of the North Dakota Revised Code of 1943, relating to accountants.

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

§ 1. AMENDMENT.) Subsection 2 of section 43-0209 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Accounting practice 6 hours.

§ 2. AMENDMENT.) Subsection 2 of section 43-0210 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Has been a resident of North Dakota since one year prior to his application for examination;

§ 3. AMENDMENT.) Section 43-0214 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0214. FEE FOR EXAMINATION; FAILURE TO PASS EXAMINATION; REEXAMINATION.) At the time of filing his application, each applicant for examination for a certificate to practice as a certified public accountant shall pay to the board a fee of thirty-five dollars. In case the applicant is issued a certificate to