

COUNTIES

CHAPTER 117

H. B. No. 822

(Stockman, Hilleboe, Trom and Myhre)

COUNTY ZONING

AN ACT

Relating to county zoning and planning and providing for the submission of plans for the establishment of zoning and planning districts adjacent to cities, and for division of costs, and declaring an emergency.

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

§ 1.) The governing body of any city zoned in accordance with the provisions of chapter 40-47 of the North Dakota Revised Code of 1943, and bordering on territory not zoned in accordance with the provisions of chapter 11-33 of the 1957 Supplement to the North Dakota Revised Code of 1943 may require the city zoning commission and the city planning commission to prepare a tentative plan for a zoning and planning district in such adjacent territory. The plan shall be submitted to the governing bodies of all of the organized townships in which the proposed district is contained in whole or in part and to the governing bodies of all cities having planning commissions with jurisdiction in the area affected, or such plan may be initiated through the cooperation of the governing bodies and the planning and zoning commissions, if any, of any such townships and cities and submitted as the joint plan of the sponsoring agencies to the governing bodies of all other townships and cities affected. The plan may include provisions for supervision and administration of such districts as well as provisions for the sharing and division of costs in the establishment and regulation of such district and shall be in the form of a proposed resolution to be submitted to the board of county commissioners. Upon approval by the governing bodies of all such townships and cities the proposal shall be submitted to the board of county commissioners and filed in the office of the county auditor in the manner prescribed for the submission of a proposal by a county planning commission.

§ 2.) The board of county commissioners upon receipt of such proposal shall refer it to the county planning commission,

if one has been established or is established by the board to consider such proposals, and a hearing shall thereupon be held by the county planning commission or by the board of county commissioners if no planning commission has been established in such county. Notice of such hearing shall be given in accordance with the provisions of section 11-3308 of the 1957 Supplement to the North Dakota Revised Code of 1943 and the board of county commissioners, following such hearing shall adopt the proposed resolution with such changes as it may deem advisable. Such resolution when so adopted shall be published, proof of such publication filed, and shall take effect as provided by section 11-3309 of the 1957 Supplement to the North Dakota Revised Code of 1943 for the adoption of resolutions prepared and proposed by a county planning commission. Upon the adoption, publication and filing of said resolution, the provisions of chapter 11-33 of the 1957 Supplement to the North Dakota Revised Code of 1943 shall be fully applicable to the same extent and effect as if said resolution had been submitted by the county planning commission.

§ 3.) Within the limits of the provisions for sharing and division of costs by cities and townships affected as set out in the approved plan, said cities and townships may budget and expend funds for the purpose of assisting in the payment of expenses incurred in the establishment and regulation of the district.

§ 4.) Any county, city or township proceeding under this chapter may jointly or severally apply for, accept and expend loans, grants, contributions and any other form of financial assistance from the federal government, the state, county or other public body, or from any source, public or private, for the purposes of this chapter, and may enter into and carry out contracts in connection therewith.

§ 5.) 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, 1959.

CHAPTER 118

S. B. No. 212

(Fiedler, Trenbeath and Holand)

PUBLICATION OF COUNTY MEETINGS AND NOTICES

AN ACT

Relating to publication of county official proceedings and notices.

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

§ 1.) In any county in which two or more newspapers having the qualifications prescribed in section 46-0501 of the North Dakota Revised Code of 1943 are published, the board of county commissioners, by resolution, may provide for publication of proceedings of the board of county commissioners and of notices and publications required by law to be published by any county officer in one or more of such newspapers in addition to the official publication in the official newspaper of the county. The provisions of section 46-0503 of the North Dakota Revised Code of 1943, as amended, shall not apply to such additional publications.

Approved March 9, 1959.

CHAPTER 119

S. B. No. 67

(Wenstrom)

TRANSFER OF PROPERTY TO NONPROFIT
FAIR CORPORATIONS

AN ACT

Authorizing the board of county commissioners in any county in this state to transfer certain real or personal property or the proceeds therefrom to nonprofit fair corporations.

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

§ 1. **Nonprofit Fair Corporations; Receipt of Real or Personal Property for Fair Purposes.)** The board of county commissioners of any county in this state who have received as a gift real or personal property to be used for fair purposes is hereby authorized to transfer such property, or if the prop-

erty is sold by the board of county commissioners, then to transfer the proceeds therefrom, to any nonprofit corporation in such county organized for the purpose of conducting an annual county fair. The nonprofit fair corporation upon receipt of such real or personal property shall agree to sponsor and conduct in the county an annual county fair for such number of years as may be agreed upon by the corporation and board of county commissioners.

Approved March 4, 1959.

CHAPTER 120

S. B. No. 251
(Erickstad)
(By request)

EMERGENCY RELOCATION OF COUNTY GOVERNMENT

AN ACT

To amend and reenact sections 11-0412 and 11-0413 of the North Dakota Revised Code of 1943 to provide for emergency relocation of county government and its return to its normal site.

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

§ 1. **Amendment.)** Section 11-0412 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-0412. County Seat Not on Railroad; Election Any Year.) In counties where the county seat is not located on a railroad or interstate river, the question of county seat removal may be voted on at any primary election. The provisions of sections 11-0402 and 11-0403 shall be applicable to proceedings under this section. This statute is not to be in any way construed to bar the temporary emergency relocation of county government, or to affect the legality of lawful operations, acts and functions of county government, while such government is temporarily relocated at a predesignated emergency relocation site or sites under authority of, approved by and as directed by the board of county commissioners, a majority of the members concurring therein as to emergency relocation and the return of county government to the normal seat of county government.

§ 2. **Amendment.)** Section 11-0413 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-0413. Village or City Recognized as County Seat: Removal and Relocation.) When a city, village, or unincorporated townsite has been recognized as the county seat of a county for more than ten years and when all of the public business required by law to be transacted at the county seat has been transacted at said place during the period of ten years last past, such city, village, or unincorporated townsite shall be deemed to be the county seat of the county and can be removed only in the manner provided in this chapter. This statute is not to be in any way construed to bar the temporary emergency relocation of county government, or to affect the legality of lawful operations, acts and functions of county government, while such government is temporarily relocated at a predesignated emergency relocation site or sites under authority of, approved by and as directed by the board of county commissioners, a majority of the members concurring therein as to emergency relocation and the return of county government to the normal seat of county government.

Approved March 10, 1959.

CHAPTER 121

H. B. No. 632

(Johnson, Baldwin, Tescher, Poling, Anderson of Richland, Winge,) (Smedshammer, Bloom, Dahl, Stockman and Dick)

SALARIES OF COUNTY OFFICIALS

AN ACT

To amend and reenact subsection 2 of section 11-1010 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to salaries and mileage of county officials.

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

§ 1. Amendment.) Subsection 2 of section 11-1010 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. The county auditor, county treasurer, sheriff, county superintendent of schools, register of deeds, county judge, state's attorney, and clerk of the district court each shall receive the following annual salary, payable monthly, for official services rendered:
 - a. Three thousand nine hundred dollars in counties having a population not exceeding six thousand;

- b. Four thousand dollars in counties having a population exceeding six thousand and not exceeding eight thousand;
- c. Four thousand one hundred dollars in counties having a population exceeding eight thousand population plus additional compensation of seventy dollars per year for each one thousand additional population or major fraction thereof, but not to exceed the total sum of five thousand one hundred dollars;
- d. In counties having a population in excess of thirty thousand the sum of five thousand five hundred dollars;

In counties having a county court of increased jurisdiction the salaries of the judges of county courts of increased jurisdiction shall be as set out in section 27-0808 of the North Dakota Revised Code of 1943, as it may be amended. The county commissioners may in their discretion compensate the county superintendent of schools by an amount not to exceed two hundred fifty dollars per year, which shall be in addition to any other compensation received by the county superintendent, for duties performed by the county superintendent of schools in school district reorganization within the county. The county superintendent of schools shall receive for any trips necessarily made within his county in the performance of school district reorganization duties the same mileage as he receives under the provisions of section 15-2205 of the 1957 Supplement to the North Dakota Revised Code of 1943.

Approved March 17, 1959.

CHAPTER 122

H. B. No. 631

(Johnson, Winge, Muggli,)

(Smedshammer, Stockman, Bloom)

MILEAGE OF COUNTY OFFICIALS

AN ACT

To amend and reenact section 11-1015 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to mileage paid to county officials, and declaring an emergency.

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

§ 1. Amendment.) Section 11-1015 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1015. Mileage of Officials.) Unless otherwise provided by the laws of this state, every county official whether elective or appointive, and every deputy of a county official, entitled by law to travel or mileage expense, shall be allowed or paid only the following amounts for each mile actually and necessarily traveled in the performance of official duties:

1. Ten cents per mile when such travel is by motor vehicle; and
2. When such travel is by rail or other common carrier, the amount actually and necessarily expended therefor.

§ 2. Emergency.) An emergency is hereby declared to exist and this Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 17, 1959.

CHAPTER 123

S. B. No. 250
(Fiedler)

DESTRUCTION OF COUNTY RECORDS

AN ACT

To amend and reenact section 11-1317 of the North Dakota Revised Code of 1943, relating to destruction of county records.

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

§ 1. Amendment.) Section 11-1317 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1317. Destruction of County Records.) The county auditor shall destroy by burning any of the following record books, forms, or blanks after the same have become ten years old:

1. Election poll books;
2. Election registration books;
3. Petitions of candidates;
4. All election forms, blanks, books, and records of every kind and description except abstracts of votes;
5. Assessment slips;
6. Crop statistics books;
7. Hail insurance books;
8. Hail insurance applications and withdrawals;
9. Collection sheets for writing up tax collections;
10. Tax certificates which have been paid or redeemed;

11. Tax levy blanks of school districts, townships, villages, and cities;
12. Tax receipts;
13. Township and village board of review records and school district posting books;
14. Claims vouchers which have been audited and paid;
15. Certificates of officials' bonds; and
16. Insurance policies which have become obsolete.

Approved March 10, 1959.

CHAPTER 124

H. B. No. 753
(Johnston)

EMINENT DOMAIN BY COUNTY PARK COMMISSIONERS

AN ACT

To amend section 11-2805 of the 1957 Supplement to the North Dakota Revised Code of 1943 by creating and enacting subsection 11 thereto in order to include among the powers and duties of the board of county park commissioners the right to exercise the power of eminent domain.

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

§ 1. Amendment.) Section 11-2805 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended by creating and enacting subsection 11 thereto which shall read as follows:

11. To exercise the power of eminent domain in the manner provided by the title Judicial Remedies for the purpose of acquiring and securing any right, title, interest, estate or easement necessary to carry out the duties imposed by this chapter, and particularly to acquire the necessary rights in land for the control of the shores of any lake and to protect the right of ingress and egress therefrom and to provide recreational areas or facilities.

Approved March 14, 1959.

CHAPTER 125

S. B. No. 84
(George)

COUNTY MEMORIAL FUNDS

AN ACT

To amend and reenact section 11-3202 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to memorial funds.

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

§ 1. **Amendment.)** Section 11-3202 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3202. A Memorial Fund Created: How Expended.) Funds provided to be raised in accordance with section 11-3201 shall be designated as the memorial fund, and shall be kept separate and distinct from other moneys by the county treasurer and shall be expended by and under the direction and control of the board of county commissioners. The board may expend such funds at such times as it may determine and is authorized to make an allocation of any or all funds to be raised by the memorial levy for any purpose authorized by this chapter.

On or after January 1, 1960, the board may transfer all unexpended balances in the memorial fund to the county general fund if there is then no existing memorial levy and if such unexpended balance has not been pledged or appropriated for a memorial.

Approved March 3, 1959.