

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1177  
(Representatives Drovdal, N. Johnson, Vigesaa)  
(Senators J. Lee, Lyson, Warner)

AN ACT to amend and reenact section 2-06-06, subsection 7 of section 4.1-47-06, sections 11-09.1-02, 11-11.1-02, 11-28-02, and 11-33-05, subsection 1 of section 11-36-07, subsection 2 of section 11-37-05, sections 23-11-05 and 23-24-05, subsection 6 of section 23-35-03, section 40-23-02, subsection 3 of section 40-38-03, subsection 4 of section 50-01.1-04, and sections 50-01.2-02 and 61-04.1-25 of the North Dakota Century Code, relating to compensation of members of political subdivision boards and committees.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 2-06-06 of the North Dakota Century Code is amended and reenacted as follows:

**2-06-06. Commissioners - Compensation - Meetings - Officers.**

~~A commissioner of an authority may receive no compensation for services, but is entitled to the necessary expense, including traveling expenses, incurred in the discharge of the commissioner's duties.~~ Each commissioner shall hold office until the commissioner's successor has been appointed and has qualified. The certificates of the appointment and reappointment of commissioners must be filed with the authority. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.

The powers of each authority are vested in the commissioners thereof. A majority of the commissioners of an authority constitutes a quorum for the purpose of conducting business of the authority and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present.

There must be elected a chairman and vice chairman from among the commissioners. An authority may employ an executive director, secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the municipality or municipalities included in the authority or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

**SECTION 2. AMENDMENT.** Subsection 7 of section 4.1-47-06 of the North Dakota Century Code is amended and reenacted as follows:

7. The board of county commissioners shall establish the rate of compensation for county weed board members. Actual expenses incurred by board members may be reimbursed at the official reimbursement rates of the appointing authority.

**SECTION 3. AMENDMENT.** Section 11-09.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**11-09.1-02. Charter commission - Membership - Preparation and submission of charter - Compensation and expenses - Publication.**

Within sixty days after proceedings have been initiated for a home rule charter, the board of county commissioners shall appoint a charter commission, comprised of at least five members, to draft the

charter, unless a petition proposing a charter pursuant to section 11-09.1-01 prescribes the composition of the commission or the manner by which the composition of the commission is to be determined. The board shall designate one of the charter commission members as chairman of the charter commission. The board shall set the compensation and expenses of charter commission members. Actual expenses incurred by charter commission members may be reimbursed at the official reimbursement rates of the appointing authority. The board, from its general funds, may furnish the charter commission with office space, clerical help, supplies, and legal and other assistance. The charter commission shall hold at least one public hearing on the proposed charter and may use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the proposed charter. The commission shall prepare and submit the charter to the board of county commissioners within one year after appointment, unless the board allows additional time for submission of the charter. The charter must contain a list of county offices to be elected and any elected offices that will be eliminated or combined if the charter is adopted. The board of county commissioners shall publish the proposed charter once in the official newspaper of the county.

**SECTION 4. AMENDMENT.** Section 11-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**11-11.1-02. Members of the job development authority board of directors - Term of office - Oath - Expenses.**

The members of the job development authority board of directors and the joint job development authority board of directors shall serve for a term of three years or until their successors are duly qualified. Terms of office begin on January first and must be arranged so that the terms of office of approximately one-third of the members expire on December thirty-first of each year. Each member of the board shall qualify by taking the oath provided for civil officers. The oath must be filed with the county auditor.

The board of directors shall annually elect members to serve as chairman, vice chairman, secretary, and treasurer. The board shall also select an executive committee with such powers and duties as may be delegated by the board. ~~Members may be reimbursed from funds available to the authority for mileage and expenses as provided in sections 44-08-04 and 54-06-09 but may not receive compensation for service.~~ The appointing authority shall establish the rate of compensation for the board members and actual expenses incurred by the members may be reimbursed at the official reimbursement rates of the appointing authority.

**SECTION 5. AMENDMENT.** Section 11-28-02 of the North Dakota Century Code is amended and reenacted as follows:

**11-28-02. Eligibility for appointment - Term - Vacancy - Compensation.**

Any resident citizen of the county, including county, city, and township officers, is eligible for appointment to the board of county park commissioners. Each appointed county park commissioner shall hold office for a term of three years, or until a successor is appointed and qualified. Any vacancy in the board must be filled for the unexpired term by appointment by the board of county commissioners as soon as practicable. ~~Each member of the county park board is entitled to receive the same compensation for services for each day actually engaged in the performance of the duties of the office as that paid a county commissioner but not to exceed a total of twenty-four days in any one year, and is entitled to reimbursement for actual necessary expenses incurred in the performance of the member's duties.~~ The appointing authority shall establish the rate of compensation for park commissioners and actual expenses incurred by the commissioners may be reimbursed at the official reimbursement rates of the appointing authority. Unless otherwise agreed upon, the board of county park commissioners shall meet at the time of the regular meetings of the board of county commissioners upon the order of the chairman, and appointed members only are entitled to compensation for attendance at the concurrent meetings.

**SECTION 6. AMENDMENT.** Section 11-33-05 of the North Dakota Century Code is amended and reenacted as follows:

**11-33-05. Meetings - Officers.**

The commission shall meet within thirty days after its appointment and elect a chairman and other necessary officers from its membership. The commission may adopt rules and bylaws not inconsistent with the provisions of this chapter. A majority of the members of the commission shall ~~constitute~~constitutes a quorum. ~~Members of the commission may be compensated for their actual expenses in the same manner as members of the board of county commissioners. The board of county commissioners may also authorize payment of a sum not to exceed forty-five dollars per day for time actually spent in transacting the business of the planning commission, in addition to any salaries members of the planning commission receive from any other source, from the state or county or any municipality. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.~~ The county auditor shall serve as secretary to the commission and shall keep all of the records and accounts of the commission.

**SECTION 7. AMENDMENT.** Subsection 1 of section 11-36-07 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~A commissioner of an authority may not receive compensation for services but is entitled to the reimbursement of necessary expenses incurred in the discharge of duties. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.~~ Each commissioner shall hold office until a successor has been appointed and has qualified. The certificates of the appointment and reappointment of commissioners must be filed with the port authority.

**SECTION 8. AMENDMENT.** Subsection 2 of section 11-37-05 of the North Dakota Century Code is amended and reenacted as follows:

2. ~~A commissioner of a commerce authority may not receive compensation for services but is entitled to reimbursement of necessary expenses incurred in the discharge of duties at the rates provided in sections 44-08-04 and 54-06-09. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.~~

**SECTION 9. AMENDMENT.** Section 23-11-05 of the North Dakota Century Code is amended and reenacted as follows:

**23-11-05. Commissioners of authority - Appointment, qualifications, tenure, compensation.**

When the governing body of a city adopts a resolution declaring there is need for a housing authority, the governing body promptly shall notify the mayor of the adoption. Upon receiving the notice, the mayor shall appoint five persons as commissioners of the authority. When the governing body of a county adopts a resolution declaring there is need for a housing authority, the governing body shall appoint five persons as commissioners of the authority. The commissioners who are first appointed must be designated to serve for terms of one, two, three, four, and five years, respectively, from the date of appointment, and after that time each commissioner must be appointed for a term of office of five years except that all vacancies must be filled for the unexpired term. A commissioner shall hold office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner must be filed with the auditor of the city or county, as the case may be, and the certificate is conclusive evidence of the due and proper appointment of the commissioner. ~~A commissioner, other than one who is a county commissioner, may receive up to forty-five dollars a day for each day necessarily devoted to the work of the office. The per diem compensation provided for in this section may not exceed six hundred dollars in any one fiscal year. A commissioner, other than one who is a county commissioner, also may be compensated for the necessary expenses, including travel~~

~~expenses, incurred in the discharge of the commissioner's duties. The governing body of the city or county shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.~~

**SECTION 10. AMENDMENT.** Section 23-24-05 of the North Dakota Century Code is amended and reenacted as follows:

**23-24-05. Board of commissioners - Composition - Appointment - Term of office - Vacancy - Compensation.**

When an order of the council creating a vector control district has been filed in the office of the county auditor of a county in which the district or a part of the district is situated, a three-member board of commissioners of the vector control district must be appointed as provided by this section. Any resident freeholder in the district is eligible for appointment to the board of commissioners thereof. The term of commissioners first appointed must be determined by lot. One commissioner shall hold office for a term of two years, one shall serve for a term of three years, and one shall serve for a term of five years. The term of a commissioner commences on the date of appointment. If the office of a commissioner becomes vacant, the commissioner appointed to fill the vacancy shall serve the unexpired term of the member of the board of commissioners whom the new commissioner replaces. Any vacancy must be filled in the manner provided for original appointments. Appointments to the board of commissioners must be made by the board of county commissioners of the county containing the largest area of the vector control district. Any member of the board of commissioners may be removed upon a majority vote of the board of county commissioners that appoints members for the board of commissioners and the board of commissioners may be dissolved upon a majority vote of the board of county commissioners that appoints the members for the board. ~~Each member shall receive the sum of thirty dollars per day while performing duties as a member of the board, or a lesser sum as the board may determine, an allowance for meals and lodging as provided in section 44-08-04, and mileage expense reimbursement at the rate provided in section 54-06-09. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.~~

**SECTION 11. AMENDMENT.** Subsection 6 of section 23-35-03 of the North Dakota Century Code is amended and reenacted as follows:

- ~~6. Any board member who is not a public employee may be compensated at a rate not exceeding sixty-two dollars and fifty cents per day, but for no more than twenty-five days per year, and may be reimbursed for expenses incurred in the manner and in an amount not exceeding the amount provided for a state officer. The appointing authority shall establish the rate of compensation for board members and actual expenses incurred by board members may be reimbursed at the official reimbursement rates of the appointing authority.~~

**SECTION 12. AMENDMENT.** Section 40-23-02 of the North Dakota Century Code is amended and reenacted as follows:

**40-23-02. Commissioners - Appointments subject to confirmation - Qualifications - Chairman - Compensation.**

All appointments made to the special assessment commission shall be subject to the confirmation of the governing body. Upon appointment and confirmation, each commissioner shall file with the city auditor a written acceptance of the appointment and shall take and subscribe the oath required of other municipal officers, which shall be filed with the city auditor. The member of the commission having the shortest term to serve shall act as chairman. No member of the commission shall hold any other municipal office while serving as such member. ~~Each member of the commission shall receive such suitable compensation for the member's services while actually engaged in the duties of the commission as determined by the governing body. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.~~

**SECTION 13. AMENDMENT.** Subsection 3 of section 40-38-03 of the North Dakota Century Code is amended and reenacted as follows:

3. ~~A director is entitled to payment for mileage and travel expenses as provided for in sections 44-08-04 and 54-06-09. No other compensation may be paid or allowed to a director unless the governing body of the municipality or the board of county commissioners provides by ordinance or by resolution for the payment of compensation for members of the board of directors.~~ The appointing authority shall establish the rate of compensation for directors and actual expenses incurred by directors may be reimbursed at the official reimbursement rates of the appointing authority.

**SECTION 14. AMENDMENT.** Subsection 4 of section 50-01.1-04 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~Each member of the governing board is entitled to receive forty five dollars per day, not to exceed forty five days in any calendar year, for each day necessarily spent in the performance of official duties. In addition, each member is entitled to be paid for mileage and actual expenses incurred in attending meetings and in the performance of official duties in the amounts provided by law for state officials.~~ The appointing authority shall establish the rate of compensation for members of the governing board and actual expenses incurred by members may be reimbursed at the official reimbursement rates of the appointing authority.

**SECTION 15. AMENDMENT.** Section 50-01.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**50-01.2-02. Members of county social service board - Term of office - Oath - Compensation.**

The members of the county social service board serve a term of three years or until their successors have duly qualified. Terms of office must be arranged so the term of office of one member expires in one year, the term of one-half the remaining members the next year, and the term of the remaining members the third year. Each member of the board qualifies by taking the oath provided for civil officers. The oath must be filed with the county auditor. ~~The members of the county social service board are entitled to receive, in addition to any salaries they receive from any other source, from the state or county or any municipality, a sum not to exceed forty five dollars per day for time actually spent in transacting the business of the board. The county shall reimburse members for expenses actually incurred in the performance of their official duties and for mileage at the legal rate for necessary travel.~~ The appointing authority shall establish the rate of compensation for board members and actual expenses incurred by board members may be reimbursed at the official reimbursement rates of the appointing authority.

**SECTION 16. AMENDMENT.** Section 61-04.1-25 of the North Dakota Century Code is amended and reenacted as follows:

**61-04.1-25. Commissioners - Compensation - Meetings - Officers.**

~~A commissioner of a weather modification authority shall receive no compensation for services, but shall be entitled to the necessary expense, as defined in section 44-08-04, incurred in the discharge of the commissioner's duties.~~ The appointing authority shall establish the rate of compensation for commissioners of a weather modification authority and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority. Each commissioner shall hold office until a successor has been appointed and has qualified. The certificates of appointment shall be filed with the weather modification authority.

The powers of each weather modification authority shall be vested in the commissioners thereof. A majority of the commissioners of an authority ~~shall constitute~~ constitutes a quorum for the purpose of conducting the business of the authority and exercising its powers and for all other purposes. ~~Although a majority of the commissioners shall constitute~~ constitutes a quorum, ~~but~~ action may not be taken by the authority except by an affirmative vote of not less than a majority of all the commissioners.

A chairman, vice chairman, and treasurer shall be elected from among the commissioners. A weather modification authority may employ an executive director, secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the state's attorney of the county. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Minutes shall be kept by the secretary of official meetings and shall include all official business such as contracts authorized and all authorizations for payment of weather modification authority funds to persons, organizations, companies, corporations, and limited liability companies. All disbursements shall be approved by a majority of all the commissioners of an authority. Disbursements authorized by the authority for the payment of employee salaries, bills, contracts, services, fees, expenses, and all other obligations shall be made by check signed by the chairman and the treasurer of the authority. Official policies shall also be entered into the minutes. An annual report shall be compiled with complete disclosure of funds expended for contracts, services, fees, salaries, and all other reimbursements, a copy of which shall be filed with the county auditor. The annual report shall be presented at a public meeting called for such purpose.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1177.

House Vote:      Yeas 88              Nays 4              Absent 2

Senate Vote:      Yeas 46              Nays 0              Absent 1

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2013,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State