Fifty-sixth Legislative Assembly of North Dakota

SENATE BILL NO. 2395

Introduced by

Senator Mutch

1 A BILL for an Act to amend and reenact subsection 3 of section 11-09.1-05, section 11-10-02,

2 and subsection 1 of section 40-01.1-04 of the North Dakota Century Code, relating to county

3 officer combination, separation, and redesignation; and to repeal chapter 11-10.2 of the North

4 Dakota Century Code, relating to county officer combination, separation, and redesignation.

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

6 SECTION 1. AMENDMENT. Subsection 3 of section 11-09.1-05 of the 1997
7 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 8 Provide for county elected and appointed officers and employees, their selection, 3. 9 powers, duties, qualifications, and compensation, and the terms of county 10 appointed officers and employees. However, after adoption of a home rule charter 11 a county elected office may not be eliminated or combined with another office 12 except upon approval of a majority of the electors of the county voting upon the 13 question at a primary or general election or pursuant to the county officer 14 combination, separation, or redesignation procedures of chapter 11-10.2. A home rule charter may not diminish the term of office for which a current county officer 15 16 was elected, redesignate that elected office during that term as appointed, or 17 reduce the salary of the office for that term. 18 **SECTION 2. AMENDMENT.** Section 11-10-02 of the 1997 Supplement to the North
- 19 Dakota Century Code is amended and reenacted as follows:
- 20

11-10-02. Number and election of county officers.

<u>1.</u> Each organized county, unless it has adopted one of the optional forms of county
 government provided by the code law or has combined or separated the functions
 of county offices or redesignated offices as elective or appointive pursuant to
 chapter 11-10.2 or 11-10.3, must have the following officers:

on.
hall
nty
ays
iry
es of
with
y
9
0
е
f the
es
in
ion of
ion in
urer,
1966
1-02,
ioi io ur 19

1		and	the county coroner, who must be chosen in the manner prescribed in section
2		11-1	19.1-03. The clerk of district court elected pursuant to this section is not subject
3		to el	lection in any future general election that occurs after the start of the state
4		bien	nium after the county has properly initiated the option and the legislative
5		asse	embly has provided appropriations pursuant to section 11-17-11.
6	SEC		N 3. AMENDMENT. Subsection 1 of section 40-01.1-04 of the 1997
7	Supplemen	t to th	ne North Dakota Century Code is amended and reenacted as follows:
8	1.	With	n respect to a county:
9		a.	Execution of a joint powers agreement between the county and one or more
10			other political subdivisions or the state for the cooperative or joint
11			administration of any service or function pursuant to chapter 54-40.3 or as
12			otherwise specifically provided by law, or an agreement between the county
13			and a tribal government pursuant to chapter 54-40.2.
14		b.	Exercise of the county's general authority to contract pursuant to section
15			11-10-01 and any other law, including service agreements with public or
16			private parties under the terms and conditions of the agreements.
17		C.	Combination or separation of any elective or appointive county office and
18			corresponding functions, or redesignation of any county office as elective or
19			appointive, pursuant to chapter 11-10.2.
20		d.	Change in the number of county commissioners pursuant to chapter 11-12.
21	e.	<u>d.</u>	Establishment of a county home rule charter commission for initiating the
22			adoption of a home rule charter or the amendment or repeal of a home rule
23			charter pursuant to chapter 11-09.1, or the adoption, amendment, or repeal of
24			ordinances for implementing a home rule charter. The recommendation may
25			include a specific nonbinding proposal or draft for a home rule charter or
26			amendment to a home rule charter.
27	f.	<u>e.</u>	Adoption of the consolidated office form of county government pursuant to
28			chapter 11-08.
29	g.	<u>f.</u>	Adoption of the county manager form of county government pursuant to
30			chapter 11-09.

1	h. <u>g.</u>	Use of other statutory tools relating to social and economic development, land
2		use, transportation and roads, health, law enforcement, administrative and
3		fiscal services, recording and registration services, educational services,
4		environmental quality, water, sewer, solid waste, flood relief, parks and open
5		spaces, hospitals, public buildings, or other county functions or services,
6		including creation of cooperative county job development authorities pursuant
7		to section 11-11.1-03, multicounty health units pursuant to sections
8		23-14-01.1 through 23-14-01.6, regional planning and zoning commissions
9		pursuant to section 11-35-01, boards of joint county park districts pursuant to
10		chapter 11-28 or a combination of boards of park commissioners with a city
11		pursuant to chapter 40-49.1, or multicounty social service districts pursuant to
12		chapter 50-01.1.
13	i. <u>h.</u>	Participation in a community or leadership development, assessment,
14		education, planning, or training program offered by any public or private
15		agency, institution, or organization.
16	j. <u>i.</u>	Exercise of county options with respect to register of deed services and clerk
17		of district court services pursuant to sections 11-10-02 and 11-17-11.
18	к. <u>ј.</u>	Sharing of elective or appointive county officers with other counties, cities, or
19		other political subdivisions pursuant to chapter 11-10.3.
20	l. <u>k.</u>	Initiation of the multicounty home rule charter process or the amendment or
21		repeal of a multicounty home rule charter pursuant to section 11-09.1-04.1, or
22		the adoption, amendment, or repeal of ordinances to implement the charter.
23		The recommendation may include a specific nonbinding proposal or draft for a
24		multicounty home rule charter.
25	m. <u>l.</u>	Initiation of the county-city home rule process or the amendment or repeal of
26		a county-city home rule charter pursuant to chapter 54-40.4, or the adoption,
27		amendment, or repeal of ordinances to implement the charter. The
28		recommendation may include a specific nonbinding proposal or draft for a
29		county-city home rule charter.
30	n. <u>m.</u>	Transfer of a power or function of another political subdivision to the county
31		pursuant to chapter 54-40.5.

- 1 e. <u>n.</u> Creation of a county consolidation committee pursuant to chapter 11-05.1.
- 2 p. <u>o.</u> That any other action be taken that is permitted by law.
- 3 q. <u>p.</u> That no action be taken.
- 4 SECTION 4. REPEAL. Chapter 11-10.2 of the North Dakota Century Code is
- 5 repealed.