

June 2007

TITLE 11

Counties

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code (NDCC) Title 11. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to counties may be classified in these subject areas: powers and duties of counties and county officers.

POWERS AND DUTIES OF COUNTIES

Senate Bill No. 2271 requires a board of county commissioners and a county zoning commission to state the grounds upon which any request for a zoning amendment or variance is approved or disapproved and requires a board of county commissioners to state the grounds upon which any request for approval of plats is approved or disapproved. The bill also requires those entities to include within their records written findings upon which those decisions are based.

Senate Bill No. 2278 provides that any county zoning regulation that pertains to a concentrated animal feeding operation which is adopted after July 31, 2007, is not effective until filed with the State Department of Health for inclusion in a central repository for concentrated animal feeding operations regulations. The bill also provides that any county zoning regulation that pertains to a concentrated animal feeding operation which was adopted before August 1, 2007, may not be enforced until the regulation is filed in the central repository for concentrated animal feeding operations regulations.

House Bill No. 1420 revises the limitations on zoning regulations that may be enacted by a board of county commissioners with respect to farming, ranching, and concentrated animal feeding operations. The bill establishes standards for the determination of the number of animal units and authorizes the adoption of setback distances for concentrated animal feeding operations and related agricultural operations. The bill authorizes a board of county commissioners to establish, around areas zoned for residential, recreational, or nonagricultural commercial uses, low-density agricultural production districts in which setback distances are greater than those in other districts. The bill provides that the limitations on zoning regulations with respect to farming, ranching, and concentrated animal feeding operations do not include any power relating to the role of the board of county commissioners in the establishment, repair, or maintenance of highways or roads.

House Bill No. 1029 limits the authority of a county to transfer home rule sales tax revenues to or for the primary benefit of a school district. The bill was declared to be an emergency measure and become effective upon its filing with the Secretary of State on April 19, 2007.

Senate Bill No. 2214 provides that a home rule county or a port authority that intends to exercise the power of eminent domain may exercise that power subject to the provisions of NDCC Chapter 32-15.

Senate Bill No. 2149 authorizes a county job development authority or a joint job development authority to take equity positions in, provide loans to, or use other innovative financing mechanisms to provide capital for new or expanding businesses in the state or for businesses relocating to the state.

Senate Bill No. 2380 provides that county sales and use taxes, farm machinery gross receipts taxes, and alcoholic beverages gross receipts taxes must be administered by the Tax Commissioner in accordance with the streamlined sales and use tax agreement.

Senate Bill No. 2205 requires that the departmental budget submitted by a county social service board in 2007 must identify the reduction in county funding derived from the transfer of administration of the child support enforcement program from the county social service board to the Department of Human Services on July 1, 2007. The bill provides that the amount reported must equal the full amount budgeted for administration of the child support enforcement program in the budget submitted by the county social service board and approved by the board of county commissioners in 2006. The bill requires that the budget include a recommendation of how the reduction in county funding responsibility will be passed on to the property taxpayers of the county.

House Bill No. 1033 revises statutory provisions relating to bidding and public improvement contracts and allows state and local governments to use the construction management delivery method.

COUNTY OFFICERS

House Bill No. 1381 changes the date that the term of office of a county officer begins from the first Monday in January to January 1 following the officer's election, unless otherwise specifically provided by law. The bill changes the date that the term of office of a county auditor begins from the first Monday in April to April 1 and changes the date that the term of office of a county treasurer begins from the first Monday in May to May 1.

House Bill No. 1157 requires a board of county commissioners to provide a uniform allowance for sheriffs and sheriffs' deputies of at least \$350 per individual per year. The bill also authorizes a sheriff to expend funds for uniforms as the sheriff deems necessary and provides that a sheriff is not limited to an annual amount that may be expended for each uniform or for each individual.

House Bill No. 1071 removes an obsolete reference relating to the appointment of a county director of tax equalization by September 1, 1978. The bill also authorizes the state supervisor of assessments to revise the minimum requirements for attaining a certificate issued by the supervisor for assessing property.

House Bill No. 1045 provides that a county recorder may record a statement of succession in interest to minerals deemed abandoned without the auditor's certificate of transfer.

Senate Bill No. 2093 authorizes the governing body of a political subdivision to establish and administer a purchasing card system for use by its officers, employees, representatives, or agents. The bill also removes the requirement that provides that before an allowance for mileage or travel expenses may be paid for a county officer or employee, an itemized statement must be filed with the county auditor if the expense was incurred by the use of a purchasing card.