

**SENATE BILL NO. 2048**

Introduced by

Legislative Council

(North Dakota/South Dakota Commission)

1 A BILL for an Act to amend and reenact section 54-40-01 of the North Dakota Century Code,  
2 relating to the exercise of joint authority by North Dakota and South Dakota.

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

4 **SECTION 1. AMENDMENT.** Section 54-40-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-40-01. Agreement - Exercise of joint powers - Bonds.**

- 7 1. Two or more governmental units or municipal corporations having in common any  
8 portion of their territory or boundary, by agreement entered into through action of  
9 their governing bodies, may jointly or cooperatively exercise their respective  
10 separate powers, or any power common to the contracting parties or any similar  
11 powers, including those which are the same except for the territorial limits within  
12 which they may be exercised for the purpose of acquiring, constructing, and  
13 maintaining any building for their joint use. The term "governmental unit" as used  
14 in this section includes and means every city, county, town, park district, school  
15 district, states and United States governments and departments of each thereof,  
16 and all other political subdivisions even though not specifically named or referred to  
17 herein.
- 18 2. Two or more counties or cities, or any combination of counties or cities, whether or  
19 not they have in common any portion of their territory or boundary, by agreement  
20 entered into through action of their governing bodies, may jointly or cooperatively  
21 exercise their respective separate powers, or any power common to the  
22 contracting parties or any similar powers, for the purpose of acquiring equipment or  
23 constructing roads, bridges, and road and bridge improvements.

- 1           3. An agency, department, or institution of this state may enter an agreement with the  
2           state of South Dakota to form a bistrate authority to jointly exercise any function that  
3           the entity is authorized by law to perform. Any agreement entered under this  
4           subsection must be submitted to the legislative assembly for approval or rejection  
5           at the next regular or special session after the agreement is entered and may not  
6           become effective until approved by the legislative assembly.
- 7           4. Counties or cities, or any combination of counties or cities, may jointly issue bonds  
8           in the same manner and for the purposes provided for in chapter 21-03.