

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 3. Provide for county elected and appointed officers and employees, their selection,
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~~
15 ~~rule charter may not diminish the term of office for which a current county officer~~
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.**

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

1 and the county coroner, who must be chosen in the manner prescribed in section
2 11-19.1-03. The clerk of district court elected pursuant to this section is not subject
3 to election in any future general election that occurs after the start of the state
4 biennium after the county has properly initiated the option and the legislative
5 assembly has provided appropriations pursuant to section 11-17-11.

6 **SECTION 3. AMENDMENT.** Subsection 1 of section 40-01.1-04 of the 1997
7 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 8 1. With 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. d. 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. e. Adoption of the consolidated office form of county government pursuant to
28 chapter 11-08.
 - 29 g. f. Adoption of the county manager form of county government pursuant to
30 chapter 11-09.

Fifty-sixth
Legislative Assembly

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- 5 repealed.