

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2149

Introduced by

Senators Lindaas, Olafson, Wanzek

Representatives Aarsvold, Monson, Vigesaa

1 A BILL for an Act to amend and reenact sections 11-11.1-03 and 40-57.4-03 of the North
2 Dakota Century Code, relating to powers of job development authorities to take equity
3 positions; and to provide for a legislative council study.

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

5 **SECTION 1. AMENDMENT.** Section 11-11.1-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-11.1-03. Powers and duties of job development authorities.** The job
8 development authority or joint job development authority shall use its financial and other
9 resources to encourage and assist in the development of employment and promotion of tourism
10 within the county or counties. In fulfilling this objective, the authority may exercise the following
11 powers:

- 12 1. To sue and be sued.
- 13 2. To make and execute contracts and other instruments necessary or convenient to
14 the exercise of the powers of the authority.
- 15 3. To hire professional personnel skilled in seeking and promoting new or expanded
16 opportunities within the county or counties.
- 17 4. To make, amend, and repeal resolutions consistent with the provisions of this
18 chapter as necessary to carry into effect the powers and purposes of the authority.
- 19 5. To acquire by gift, trade, or purchase, and to hold, improve, and dispose of
20 property.
- 21 6. To certify a tax levy as provided in section 11-11.1-04 and to expend moneys
22 raised by the tax for the purposes provided in this chapter. A job development
23 authority may accept and expend moneys from any other source.

- 1 7. To insure or provide for insurance of any property in which the authority has an
- 2 insurable interest.
- 3 8. To invest any funds held by the authority.
- 4 9. To cooperate with political subdivisions in exercising any of the powers granted by
- 5 this section, including enabling agreements permitted under chapter 54-40.
- 6 10. To loan, grant, or convey any funds or other property held by the authority for any
- 7 purpose necessary or convenient to carry into effect the objective of the authority
- 8 established by this chapter.
- 9 11. To use existing uncommitted funds held by the authority to guarantee loans or
- 10 make other financial commitments to enhance economic development.
- 11 12. To take equity positions in, provide loans to, or use other innovative financing
- 12 mechanisms to provide capital for new or expanding businesses in this state or for
- 13 businesses relocating to this state.
- 14 13. To exercise any other powers necessary to carry out the purposes and provisions
- 15 of this chapter.

16 **SECTION 2. AMENDMENT.** Section 40-57.4-03 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **40-57.4-03. Powers and duties of city job development authorities.** The city job
19 development authority shall use its financial and other resources to encourage and assist in the
20 development of employment within the city. In fulfilling this objective, the job development
21 authority may exercise the following powers:

- 22 1. To sue and be sued.
- 23 2. To make and execute contracts and other instruments necessary or convenient to
- 24 the exercise of the powers of the authority.
- 25 3. To hire professional personnel skilled in seeking and promoting new or expanded
- 26 opportunities within the city.
- 27 4. To make, amend, and repeal resolutions consistent with the provisions of this
- 28 chapter as necessary to carry into effect the powers and purposes of the authority.
- 29 5. To acquire by gift, trade, or purchase, and to hold, improve, and dispose of real or
- 30 personal property.

- 1 6. To certify a tax levy as provided in section 40-57.4-04 and to expend moneys
- 2 raised by the tax for the purposes provided in this chapter.
- 3 7. To insure or provide for insurance of any real or personal property in which the
- 4 authority has an insurable interest.
- 5 8. To invest any funds held by the authority.
- 6 9. To cooperate with political subdivisions in exercising any of the powers granted by
- 7 this section.
- 8 10. To loan, grant, or convey any funds or other real or personal property held by the
- 9 authority for any purpose necessary or convenient to carry into effect the objective
- 10 of the authority established by this chapter.
- 11 11. To use existing, uncommitted funds held by the authority to guarantee loans or
- 12 make other financial commitments to enhance economic development.
- 13 12. To take an equity position in, provide a loan to, or use any other innovative
- 14 financing mechanism to provide capital for a new or expanding business in this
- 15 state or for a business relocating to this state.
- 16 13. To exercise any other powers necessary to carry out the purposes and provisions
- 17 of this chapter.

18 **SECTION 3. LEGISLATIVE COUNCIL STUDY - JOB DEVELOPMENT**

19 **AUTHORITIES.** The legislative council shall study during the 2007-08 interim job development
20 authorities across the state to determine the economic impact created by the authorities, to
21 examine funding mechanisms used by the authorities when expending resources for economic
22 development purposes, and to determine whether the authorities serve a viable purpose. The
23 legislative council shall report its findings and recommendations, together with any legislation
24 required to implement the recommendations, to the sixty-first legislative assembly.