

Introduced by

Representative Christensen

1 A BILL ~~for an Act to amend and reenact section 11-11-14 of the North Dakota Century Code,~~
2 ~~relating to the power of the board of county commissioners.~~for an Act to create and enact a
3 new section to chapter 11-11 of the North Dakota Century Code, relating to lease purchase.

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

5 ~~— **SECTION 1. AMENDMENT.** Section 11-11-14 of the North Dakota Century Code is~~
6 ~~amended and reenacted as follows:~~

7 ~~— **11-11-14. Powers of board of county commissioners.**~~

8 ~~— The board of county commissioners shall have the following powers:~~

9 ~~— 1. To institute and prosecute civil actions for and on behalf of the county and in its name.~~

10 ~~— 2. To make all orders respecting property of the county.~~

11 ~~— 3. To levy a tax not exceeding the amount authorized by law.~~

12 ~~— 4. To control the finances, to contract debts and borrow money, to make payments of~~
13 ~~debts and expenses, to establish charges for any county or other services, and to~~
14 ~~control the property of the county.~~

15 ~~— 5. To construct and repair bridges and to open, lay out, vacate, and change highways in~~
16 ~~the cases provided by law. But the board may not contract for the construction of~~
17 ~~bridges costing more than one hundred dollars without first complying with the~~
18 ~~provisions of chapter 24-08.~~

19 ~~— 6. To establish election precincts in the county in areas outside the boundaries of~~
20 ~~incorporated cities except as provided in chapter 16-1-04.~~

21 ~~— 7. To equalize the assessments of the county in the manner provided by law.~~

22 ~~— 8. To furnish to the county officers the necessary telephone, postage, telephone and~~
23 ~~telegraph tolls, and all other things necessary and incidental to the performance of the~~
24 ~~duties of their respective offices to be paid out of the county treasury.~~

- 1 ~~9. To furnish a fireproof safe in which to keep all the books, records, vouchers, and~~
2 ~~papers pertaining to the business of the board.~~
- 3 ~~10. To dispose of property of the county in the manner provided in chapter 11-27.~~
- 4 ~~11. To purchase lands in lieu of those sold.~~
- 5 ~~12. To grant to any person the right of way for the erection of telephone lines, electric light~~
6 ~~systems, water or wastewater systems, or gas or oil pipeline systems over, under, or~~
7 ~~upon public grounds, county streets, roads, or highways.~~
- 8 ~~13. To establish a garbage and trash collection system encompassing all or any part of the~~
9 ~~territory of the county. The words "garbage and trash collection system" include the~~
10 ~~operation and maintenance of one or more sanitary landfill sites, or other types of~~
11 ~~processing sites for the disposal of trash and garbage. The board may operate such~~
12 ~~system in cooperation with any one or more political subdivisions of this or any other~~
13 ~~state in accordance with chapter 54-40. The board may borrow money by issuing~~
14 ~~certificates of indebtedness, repayable from fees or special assessments, or both,~~
15 ~~which may be charged to the proper parcels of land or to persons receiving the direct~~
16 ~~benefits of the garbage and trash collection system, or repayable in such other~~
17 ~~manner as may be provided by law, in order to purchase the initial equipment and land~~
18 ~~necessary for operation of the system. If the board resolves to establish such a~~
19 ~~system, the expenses of establishing, operating, and maintaining it may be financed~~
20 ~~by fees charged to persons receiving direct benefits or by special assessment against~~
21 ~~the parcels of land properly charged therewith, or by both such fees and assessments.~~
22 ~~The assessment may be made, published, altered, appealed from, and confirmed~~
23 ~~under the procedures set forth in chapter 11-28.1.~~
- 24 ~~14. To maintain, in its discretion, all public roads and private highways and roads that are~~
25 ~~being used as part of regularly scheduled public schoolbus routes.~~
- 26 ~~15. To expend county funds for the purpose of participating in an organization of county~~
27 ~~governments pursuant to section 11-10-24. This subsection does not authorize a mill~~
28 ~~levy, and the limitations embodied in section 57-15-06 apply to expenditures under this~~
29 ~~subsection, which expenditures shall be from the county general fund.~~

- 1 ~~—16.—To expend county funds to finance in part or entirely for county employees a group-~~
2 ~~insurance program for hospital benefits, medical benefits or life insurance, and a group-~~
3 ~~retirement program through either the state retirement program or a private company.~~
- 4 ~~—17.—To do and perform any other duties prescribed by law.~~
- 5 ~~—18.—To loan or grant money to and secure a mortgage from individuals, associations,-~~
6 ~~corporations, or limited liability companies and to purchase ownership shares in-~~
7 ~~corporations, limited liability companies, or other business associations as provided-~~
8 ~~through the procedures established by the state's community development block grant~~
9 ~~program established pursuant to the Housing and Community Development Act of~~
10 ~~1974 [Pub. L. 93-383; 88 Stat. 633; 42 U.S.C. 5301 et seq.]. This power applies to all~~
11 ~~community development block grant transactions of the board of county-~~
12 ~~commissioners, including any transactions prior to July 1, 1987. The county is not-~~
13 ~~lending its funds or extending its credit to any individual, association, or organization-~~
14 ~~under this subsection and no general liability on the part of the county is incurred.~~
- 15 ~~—19.—To license, tax, and regulate pawnbrokers outside of municipalities.~~
- 16 ~~—20.—To acquire by lease, purchase, gift, condemnation, or other lawful means and to hold-~~
17 ~~in its name for use and control as provided by law, both real and personal property and-~~
18 ~~easements and rights of way within the county for all purposes authorized by law or-~~
19 ~~necessary to the exercise of any power granted.~~
- 20 ~~—21.—To participate and enact or adopt ordinances and resolutions necessary for~~
21 ~~participation in the nation's historic preservation program as a certified local~~
22 ~~government, as provided for under 36 CFR 61.6.~~
- 23 ~~22.21.—To regulate the confinement and control of dogs, cats, and other household pets,-~~
24 ~~provided the regulations do not conflict with rules adopted by the state board of animal-~~
25 ~~health.~~
- 26 ~~23.22.—To require that financial records, including all revenues, expenditures, fund balances,-~~
27 ~~and complete budgets, be submitted to the board of county commissioners at a time-~~
28 ~~and in a format requested by the board by all boards, authorities, committees, and~~
29 ~~commissions with members appointed by the board of county commissioners before-~~
30 ~~the board's consideration of the budget and tax levy.~~

- 1 ~~24.23.~~—To expend county funds as a donation for a capital improvement project to a nonprofit
2 health care facility within the county.
- 3 ~~25.24.~~—To expend county funds for eradication of gophers, prairie dogs, rabbits, crows, or
4 magpies.
- 5 ~~26.25.~~—To expend county funds to enhance communications infrastructure for countywide
6 benefit.
- 7 ~~27.26.~~—To provide for the planning, design, acquisition, development, operation, maintenance,
8 and support of automation and telecommunications resources.
- 9 ~~28.27.~~—To provide for firebreaks and other fire protection and suppression measures.
- 10 ~~29.28.~~—To construct, equip, operate, and maintain county buildings, including court facilities,
11 correction centers, jails, and other law enforcement facilities.
- 12 ~~30.29.~~ To require that all financial records, including all revenues, expenditures, fund
13 balances, and complete budgets be submitted to the board of county commissioners
14 at a time and in a format requested by the board of county commissioners by all
15 boards, authorities, committees, and commissions appointed by the board of county
16 commissioners before consideration by the board of county commissioners of the
17 budget and levy request.

18 **SECTION 1.** A new section to chapter 11-11 of the North Dakota Century Code is created
19 and enacted as follows:

20 **Lease purchase - Building authority.**

21 Unless a lease purchase or building authority agreement is approved by a vote of the
22 majority of the qualified electors of a county during a general election, the governing body of a
23 county may not enter a lease purchase or building authority agreement for the acquisition of any
24 property or construction of any structure having a cost of more than three million dollars.