

HOUSE BILL NO. 1303

Introduced by

Representatives Kiefert, Bellew, Christensen, Damschen, Magrum

Senators Clemens, Conley, Dever, Heitkamp

1 A BILL ~~for an Act to create and enact a new section to chapter 11-13 and subsection 13 of~~
 2 ~~section 11-13-02 of the North Dakota Century Code, relating to duties of the county auditor; and~~
 3 ~~to amend and reenact sections 11-11-35 and 11-11-37 of the North Dakota Century Code,~~
 4 ~~relating to the publication of county records; and to provide a penalty.~~for an Act to provide for a
 5 legislative management study of county commissioners and auditors lack of compliance with
 6 open records requirements.

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

8 ~~— **SECTION 1. AMENDMENT.** Section 11-11-35 of the North Dakota Century Code is~~
 9 ~~amended and reenacted as follows:~~

10 ~~— **11-11-35. Board to keep records of proceedings - Penalty.**~~

11 ~~— The board of county commissioners shall keep a book in which all orders, agreements, and~~
 12 ~~decisions made by it shall be the board are recorded. Such The book shall ~~must~~ be known as "a~~
 13 ~~record of the proceedings of the board of county commissioners". All orders, agreements, and~~
 14 ~~vouchers for the allowance and payment of moneys from the county treasury shall must state on~~
 15 ~~what account and to whom the allowance is made. The same shall order, agreement, or voucher~~
 16 ~~must be dated and numbered with the number of the warrant issued in payment thereof.~~
 17 ~~Approval of orders, agreements, and vouchers shall must be recorded in the record of the~~
 18 ~~proceedings and this shall be, which is sufficient to indicate approval without requiring a majority~~
 19 ~~of the board to sign or initial the orders, agreements, and vouchers. Orders, agreements, and~~
 20 ~~vouchers for payment of moneys from the county treasury must be made available for~~
 21 ~~inspection on the county's official website. A county commissioner who violates this section is~~
 22 ~~guilty of a class B misdemeanor.~~

23 ~~— **SECTION 2. AMENDMENT.** Section 11-11-37 of the North Dakota Century Code is~~
 24 ~~amended and reenacted as follows:~~

~~11-11-37. Proceedings of board of county commissioners to be published in official newspaper - When published - Penalty.~~

~~The board of county commissioners shall supply to the official newspaper of the county and publish to the official website of the county a full and complete report of its official proceedings at each regular and special meeting no later than seven days after the meeting at which the report is read and approved. The publisher of the official newspaper shall publish the report in the issue of the paper next succeeding the time of its reception and shall file with the county auditor an affidavit of publication executed in the proper form. A county commissioner who violates this section is guilty of a class B misdemeanor.~~

~~SECTION 3. Subsection 13 of section 11-13-02 of the North Dakota Century Code is created and enacted as follows:~~

~~13. Make the record of all expenditures of public funds available for inspection on the county's official website.~~

~~SECTION 4. A new section to chapter 11-13 of the North Dakota Century Code is created and enacted as follows:~~

~~Failure to perform duty - Penalty.~~

~~An auditor who fails to make the record of all expenditures of public funds available for inspection under subsection 13 of section 11-13-02 is guilty of a class B misdemeanor.~~

SECTION 1. COUNTY COMPLIANCE WITH OPEN RECORDS REQUIREMENTS - LEGISLATIVE MANAGEMENT STUDY. During the 2021-22 interim, the legislative management shall consider studying county commissioners and auditors lack of compliance with open records requirements, the use of lease purchase agreements to bypass voters, and county building authorities. In the course of its study, the legislative management shall use its investigative authority under chapter 54-03.2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-eighth legislative assembly.