CHAPTER 11-11.1
JOB DEVELOPMENT AUTHORITIES

11-11.1-01. Job development authority - Board of directors' members qualifications.

1. The board of county commissioners, by resolution, may create a job development authority for the county, or may discontinue a job development authority which has been created for the county.
   a. If the authority is created, the question of discontinuing the authority may be placed on the ballot at the next regular election by petition filed with the county auditor at least ninety days before any countywide election and signed by electors of the county who are residents of the area subject to taxation under section 11-11.1-04 equal in number to ten percent of the votes cast in the county in the area subject to taxation under section 11-11.1-04 for the office of governor in the last general election.
   b. The question to be voted on at the election must be submitted by ballot in substantially the following form:

      Should the (insert name of job development authority) be terminated? Yes ☐ No ☐

   c. Only electors of the county who are residents of the area subject to taxation under section 11-11.1-04 may vote on the question to discontinue the authority. The question to discontinue the authority requires a majority of the electors voting on the question for passage.
2. If the authority is created, a board of directors of not fewer than ten nor more than twenty members must be appointed by the county commissioners and must consist of representatives from the following groups, as they may exist:
   a. Two members from the county commission.
   b. One member from the city council or commission of each city within the county which has a population of five hundred or more.
   c. One member selected from among the city governments of the remaining cities of the county.
   d. If a majority of the townships in the county are organized townships, two members selected from the township governments of the organized townships in the county.
   e. The remaining members must be selected from a list of candidates from the following fields:
      (1) A representative of the local job service office nearest the county seat.
      (2) A member of the local airport authority.
      (3) A member of a local institution of higher education.
      (4) A member from among the school boards of the county.
      (5) A member from a local industrial development organization.
      (6) A member of the regional planning council serving the county.
      (7) A member of the legislative assembly representing a district within the county.
      (8) Members at large from the county.
3. The county commissioners shall make appointments to the board from a slate of candidates submitted by the chambers of commerce within the county. If no chamber of commerce exists in the county, the nominations may be submitted by any civic or patriotic organization within the county. If names submitted are unacceptable, the county commission may request additional nominees. The members must be appointed without regard to political affiliation and upon their fitness to serve as members by reason of character, experience, and training. All members of the board who do not reside in the area subject to taxation under section 11-11.1-04 are nonvoting members of the board.
4. The board of county commissioners in a county where an active industrial development organization exists may enter a contract with the industrial development organization for performance of the functions of a job development authority or joint

job development authority as provided in this chapter and may use the proceeds of the levy authority under section 11-11.1-04 for that purpose.

5. Notwithstanding any provision in this chapter, if a board of county commissioners elects to contract with an active economic development organization to perform the functions of a job development authority:
   a. The board of county commissioners, as an alternative to subsections 2 and 3, may authorize the board of directors of an active economic development organization to serve as the board of directors for the job development authority authorized under this chapter.
   b. The board of directors of the active economic development organization may elect to seat some or all of the organization's board of directors on the board of directors of the job development authority. The board of directors of the job development authority must be approved by the board of county commissioners.

11-11.1-01.1. Joint job development authority - Board of directors.

The boards of county commissioners of two or more counties, by resolution, may create a joint job development authority for the counties. If the authority is created, boards of county commissioners shall appoint a board of directors in the size and manner established in the resolution. The resolution must include provision for discontinuing the authority by the boards of county commissioners. If the authority is created, the question of discontinuing the authority may be placed on the ballot at the next regular election by petition signed by electors, who are residents of the area subject to taxation under section 11-11.1-04, of any county creating the authority equal in number to ten percent of the votes cast in that county for the office of governor in the last general election. The question to discontinue the authority requires a majority of the electors voting on the question in that county for passage. Only electors of the county who are residents of the area subject to taxation under section 11-11.1-04 may vote on the question to discontinue the authority. If the question to discontinue in any county creating the authority is passed, the authority is discontinued.

11-11.1-02. Members of the job development authority board of directors - Term of office - Oath - Expenses.

The members of the job development authority board of directors and the joint job development authority board of directors shall serve for a term of three years or until their successors are duly qualified. Terms of office begin on January first and must be arranged so that the terms of office of approximately one-third of the members expire on December thirty-first of each year. Each member of the board shall qualify by taking the oath provided for civil officers. The oath must be filed with the county auditor.

The board of directors shall annually elect members to serve as chairman, vice chairman, secretary, and treasurer. The board shall also select an executive committee with such powers and duties as may be delegated by the board. The appointing authority shall establish the rate of compensation for the board members and actual expenses incurred by the members may be reimbursed at the official reimbursement rates of the appointing authority.

11-11.1-03. Powers and duties of job development authorities.

The job development authority or joint job development authority shall use its financial and other resources to encourage and assist in the development of employment and promotion of tourism within the county or counties. In fulfilling this objective, the authority may exercise the following powers:

1. To sue and be sued.
2. To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority.
3. To hire professional personnel skilled in seeking and promoting new or expanded opportunities within the county or counties.

4. To make, amend, and repeal resolutions consistent with the provisions of this chapter as necessary to carry into effect the powers and purposes of the authority.
5. To acquire by gift, trade, or purchase, and to hold, improve, and dispose of property.
6. To certify a tax levy as provided in section 11-11.1-04 and to expend moneys raised by the tax for the purposes provided in this chapter. A job development authority may accept and expend moneys from any other source.
7. To insure or provide for insurance of any property in which the authority has an insurable interest.
8. To invest any funds held by the authority.
9. To cooperate with political subdivisions in exercising any of the powers granted by this section, including enabling agreements permitted under chapter 54-40.
10. To loan, grant, or convey any funds or other property held by the authority for any purpose necessary or convenient to carry into effect the objective of the authority established by this chapter.
11. To use existing uncommitted funds held by the authority to guarantee loans or make other financial commitments to enhance economic development.
12. To take equity positions in, provide loans to, or use other innovative financing mechanisms to provide capital for new or expanding businesses in this state or for businesses relocating to this state.
13. To exercise any other powers necessary to carry out the purposes and provisions of this chapter.

11-11.1-04. Tax levy for job development authorities - Financial report.

The board of county commissioners of a county which has a job development authority or joint job development authority shall establish a job development authority fund and may levy a tax not exceeding the limitations in subsection 14 of section 57-15-06.7. In the year for which the levy is sought, a job development authority or joint job development authority seeking approval of a property tax levy under this chapter must file with the county auditor, at a time and in a format prescribed by the county auditor, a financial report for the preceding calendar year showing the ending balances of each fund held by the job development authority or joint job development authority during that year. The county treasurer shall keep the job development authority fund separate from other money of the county. The county treasurer shall transmit all funds received pursuant to this section within thirty days to the board of directors of the authority. The funds when paid to the authority must be deposited in a special account, or special accounts if the authority chooses to maintain a separate account for promotion of tourism, in which other revenues of the authority are deposited. Moneys received by the job development authority from any other source must also be deposited in the special accounts. The moneys in the special accounts may be expended by the authority as provided in sections 11-11.1-02 and 11-11.1-03.

11-11.1-05. Organization of authorities - Temporary mill levy.

Repealed by S.L. 2015, ch. 62, § 18.

11-11.1-06. Alternative levy for industrial development organizations.

Repealed by S.L. 2015, ch. 439, § 104.

11-11.1-07. Dedication of tax revenues.

The governing body of a county may dedicate any portion of revenues from the tax authorized under this chapter or moneys received from any other source to payment of any loan entered or grant awarded for any purpose necessary or convenient to carry into effect the objective of the authority established by this chapter.