

SENATE BILL NO. 2152

Introduced by

Senators Watne, Nalewaja, W. Stenehjem

Representatives Huether, Kelsch, Mahoney

1 A BILL for an Act to amend and reenact sections 11-09-19, 11-10-02, and subsection 3 of
2 section 11-10.2-01 of the North Dakota Century Code, relating to the combination, separation,
3 or redesignation of elected or appointed county offices; and to repeal section 11-09-18 of the
4 North Dakota Century Code, relating to the appointment of the state's attorney in certain
5 counties.

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

7 **SECTION 1. AMENDMENT.** Section 11-09-19 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **11-09-19. Sheriff - Election - Appointment - Duties - Powers.** The sheriff of a county
10 adopting a county manager form of government ~~shall~~ must be elected in the manner prescribed
11 by general statutes and shall perform the duties and be subject to the restrictions contained in
12 the general statutes. ~~In a county adopting a short form of county managership, the county~~
13 ~~manager shall, with the approval of the board of county commissioners, appoint one or more~~
14 ~~police officers who shall perform all police duties imposed on the sheriff by general statutes. All~~
15 ~~other duties imposed on the sheriff shall be performed by or under the direction of the county~~
16 ~~manager.~~ The county manager, from time to time or on an annual basis, may contract with an
17 adjoining county and its sheriff to obtain the services of ~~such~~ that sheriff, and the compensation
18 of ~~such officer shall be such as shall~~ the sheriff must be agreed upon by the sheriff, the county
19 manager, and the boards of county commissioners of the counties affected.

20 **SECTION 2. AMENDMENT.** Section 11-10-02 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **11-10-02. Number and election of county officers.** Each organized county, unless it
23 has adopted one of the optional forms of county government provided by the code or has

1 combined or separated the functions of county offices or redesignated offices as elective or
2 appointive pursuant to chapter 11-10.2 or 11-10.3, must have the following officers:

- 3 1. One county auditor.
- 4 2. One register of deeds in counties having a population of more than six thousand.
- 5 3. One clerk of the district court.
- 6 4. ~~One state's attorney.~~
- 7 5. ~~One sheriff.~~
- 8 6. One county treasurer.
- 9 7. 5. One coroner.
- 10 8. ~~Repealed by S.L. 1989, ch. 137, § 10, effective January 1, 1993.~~
- 11 9. 6. A board of county commissioners consisting of three or five members as provided
12 in this title.

13 In addition, each county must have an elected state's attorney and an elected sheriff
14 unless the county appoints the state's attorney or sheriff of an adjoining county pursuant to
15 section 11-08-10.

16 In counties having a population of six thousand or less, the clerk of the district court
17 must be the register of deeds, unless the board of county commissioners adopts a resolution
18 separating the offices no less than thirty days before petitions for nomination to county offices
19 may first be filed for the primary election. For a county which has properly initiated the option
20 and it is funded by the legislative assembly pursuant to section 11-17-11, the board of county
21 commissioners may provide for the register of deeds' services in any appropriate manner.
22 Counties having a population of six thousand or less and exercising the option provided in
23 section 11-17-11 may contract with the state court administrator for the provision of shared
24 funding for register of deeds' services. The required officers must be chosen by the qualified
25 electors of the respective counties at the general election in each even-numbered year, except
26 the register of deeds, county auditor, treasurer, sheriff, state's attorney, and clerk of the district
27 court, who must be chosen in 1966 and every four years thereafter, the members of the board
28 of county commissioners, who must be chosen in the manner prescribed in section 11-11-02,
29 and the county coroner, who must be chosen in the manner prescribed in section 11-19.1-03.
30 The clerk of district court elected pursuant to this section is not subject to election in any future
31 general election that occurs after the start of the state biennium after the county has properly

1 initiated the option and the legislative assembly has provided appropriations pursuant to section
2 11-17-11.

3 **SECTION 3. AMENDMENT.** Subsection 3 of section 11-10.2-01 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 3. This option is available in addition to, or in lieu of, other county structural options
6 authorized under this title, unless a specific mandate for combining or separating
7 particular county offices is otherwise provided by law. The ~~office~~ offices of ~~county~~
8 ~~judge is sheriff and state's attorney are~~ excluded from the application of this
9 chapter.

10 **SECTION 4. REPEAL.** Section 11-09-18 of the North Dakota Century Code is
11 repealed.