

**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 noncompliance with open records requirements by county  
6 commissions and auditors, city councils and commissions, and school districts; and bypassing  
7 voter approval requirements.

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

9 ~~—~~ **SECTION 1. AMENDMENT.** ~~Section 11-11-35 of the North Dakota Century Code is~~  
10 ~~amended and reenacted as follows:~~  
11 ~~—~~ **11-11-35. Board to keep records of proceedings – Penalty.**  
12 ~~—~~ ~~The board of county commissioners shall keep a book in which all orders, agreements, and~~  
13 ~~decisions made by it shall be~~the board are recorded. ~~Such~~The book shall~~must~~ be known as "a  
14 record of the proceedings of the board of county commissioners". All orders, agreements, and  
15 vouchers for the allowance and payment of moneys from the county treasury shall~~must~~ state on  
16 what account and to whom the allowance is made. The same shall~~order, agreement, or voucher~~  
17 must be dated and numbered with the number of the warrant issued in payment thereof.  
18 Approval of orders, agreements, and vouchers shall~~must~~ be recorded in the record of the  
19 proceedings and this shall be, ~~which is~~ sufficient to indicate approval without requiring a majority  
20 of the board to sign or initial the orders, agreements, and vouchers. ~~Orders, agreements, and~~  
21 vouchers for payment of moneys from the county treasury must be made available for  
22 inspection on the county's official website. A county commissioner who violates this section is  
23 guilty of a class B misdemeanor.

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

3 ~~— **11-11-37. Proceedings of board of county commissioners to be published in official**~~  
4 ~~**newspaper – When published – Penalty.**~~

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

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

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

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

18 ~~— **Failure to perform duty – Penalty.**~~

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

21 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - NONCOMPLIANCE WITH OPEN**  
22 **RECORDS REQUIREMENTS AND BYPASSING VOTER APPROVAL REQUIREMENTS.**

23 During the 2021-22 interim, the legislative management shall consider studying noncompliance  
24 with open records requirements by county commissions and auditors, city councils and  
25 commissions, and school districts; the use of lease purchase agreements to bypass voters; and  
26 county building authorities. In the course of the study, the legislative management shall use its  
27 investigative authority under chapter 54-03.2. The legislative management shall report its  
28 findings and recommendations, together with any legislation required to implement the  
29 recommendations to the sixty-eighth legislative assembly.