

SENATE BILL NO. 2395

Introduced by

Senator Mutch

1 A BILL for an Act to amend and reenact subsection 3 of section 11-09.1-05, section 11-10-02,
2 and subsection 1 of section 40-01.1-04 of the North Dakota Century Code, relating to county
3 officer combination, separation, and redesignation; and to repeal chapter 11-10.2 of the North
4 Dakota Century Code, relating to county officer combination, separation, and redesignation.

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

6 **SECTION 1. AMENDMENT.** Subsection 3 of section 11-09.1-05 of the 1997
7 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8 3. Provide for county elected and appointed officers and employees, their selection,
9 powers, duties, qualifications, and compensation, and the terms of county
10 appointed officers and employees. However, after adoption of a home rule charter
11 a county elected office may not be eliminated or combined with another office
12 except upon approval of a majority of the electors of the county voting upon the
13 question at a primary or general election ~~or pursuant to the county officer~~
14 ~~combination, separation, or redesignation procedures of chapter 11-10.2. A home~~
15 ~~rule charter may not diminish the term of office for which a current county officer~~
16 ~~was elected, redesignate that elected office during that term as appointed, or~~
17 ~~reduce the salary of the office for that term.~~

18 **SECTION 2. AMENDMENT.** Section 11-10-02 of the 1997 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **11-10-02. Number and election of county officers.**

21 1. Each organized county, unless it has adopted one of the optional forms of county
22 government provided by the ~~code law~~ law or has combined ~~or separated the functions~~
23 ~~of county offices or redesignated offices as elective or appointive~~ pursuant to
24 chapter ~~11-10.2~~ or 11-10.3, must have the following officers:

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- 1 ~~4.~~ a. One county auditor.
- 2 ~~2.~~ b. One register of deeds.
- 3 ~~3.~~ c. One clerk of the district court, except as otherwise provided by this section.
- 4 ~~4.~~ d. One state's attorney.
- 5 ~~5.~~ e. One sheriff.
- 6 ~~6.~~ f. One county treasurer.
- 7 ~~7.~~ g. One coroner.
- 8 ~~8.~~ h. A board of county commissioners consisting of three or five members as
- 9 provided in this title.
- 10 2. In counties having a population of six thousand or less, the register of deeds shall
- 11 perform the functions of the clerk of the district court, unless the board of county
- 12 commissioners adopts a resolution separating the offices no less than thirty days
- 13 before petitions for nomination to county offices may first be filed for the primary
- 14 election. In a county having a population of more than six thousand, the offices of
- 15 clerk of district court and register of deeds may be combined into an office of
- 16 register of deeds if the board of county commissioners, following consultation with
- 17 the supreme court, adopts a resolution combining the offices no less than thirty
- 18 days before petitions for nominations to county offices may first be filed for the
- 19 primary election. For a county that has properly initiated the option pursuant to
- 20 section 11-17-11, and the office of the clerk of court is funded by the legislative
- 21 assembly, the board of county commissioners may provide for the functions of the
- 22 register of deeds, which may include functions of the clerk of district court and
- 23 other functions as determined by the board of county commissioners. Counties
- 24 having a population of six thousand or less and exercising the option provided in
- 25 section 11-17-11 may contract with the state court administrator for the provision of
- 26 shared funding for register of deeds' services. The required officers must be
- 27 chosen by the qualified electors of the respective counties at the general election in
- 28 each even-numbered year, except the register of deeds, county auditor, treasurer,
- 29 sheriff, state's attorney, and clerk of the district court, who must be chosen in 1966
- 30 and every four years thereafter, the members of the board of county
- 31 commissioners, who must be chosen in the manner prescribed in section 11-11-02,

1 and the county coroner, who must be chosen in the manner prescribed in section
2 11-19.1-03. The clerk of district court elected pursuant to this section is not subject
3 to election in any future general election that occurs after the start of the state
4 biennium after the county has properly initiated the option and the legislative
5 assembly has provided appropriations pursuant to section 11-17-11.

6 **SECTION 3. AMENDMENT.** Subsection 1 of section 40-01.1-04 of the 1997
7 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 8 1. With respect to a county:
- 9 a. Execution of a joint powers agreement between the county and one or more
10 other political subdivisions or the state for the cooperative or joint
11 administration of any service or function pursuant to chapter 54-40.3 or as
12 otherwise specifically provided by law, or an agreement between the county
13 and a tribal government pursuant to chapter 54-40.2.
 - 14 b. Exercise of the county's general authority to contract pursuant to section
15 11-10-01 and any other law, including service agreements with public or
16 private parties under the terms and conditions of the agreements.
 - 17 c. ~~Combination or separation of any elective or appointive county office and~~
18 ~~corresponding functions, or redesignation of any county office as elective or~~
19 ~~appointive, pursuant to chapter 11-10.2.~~
 - 20 d. Change in the number of county commissioners pursuant to chapter 11-12.
 - 21 e. d. Establishment of a county home rule charter commission for initiating the
22 adoption of a home rule charter or the amendment or repeal of a home rule
23 charter pursuant to chapter 11-09.1, or the adoption, amendment, or repeal of
24 ordinances for implementing a home rule charter. The recommendation may
25 include a specific nonbinding proposal or draft for a home rule charter or
26 amendment to a home rule charter.
 - 27 f. e. Adoption of the consolidated office form of county government pursuant to
28 chapter 11-08.
 - 29 g. f. Adoption of the county manager form of county government pursuant to
30 chapter 11-09.

- 1 ~~h.~~ g. Use of other statutory tools relating to social and economic development, land
2 use, transportation and roads, health, law enforcement, administrative and
3 fiscal services, recording and registration services, educational services,
4 environmental quality, water, sewer, solid waste, flood relief, parks and open
5 spaces, hospitals, public buildings, or other county functions or services,
6 including creation of cooperative county job development authorities pursuant
7 to section 11-11.1-03, multicounty health units pursuant to sections
8 23-14-01.1 through 23-14-01.6, regional planning and zoning commissions
9 pursuant to section 11-35-01, boards of joint county park districts pursuant to
10 chapter 11-28 or a combination of boards of park commissioners with a city
11 pursuant to chapter 40-49.1, or multicounty social service districts pursuant to
12 chapter 50-01.1.
- 13 ~~i.~~ h. Participation in a community or leadership development, assessment,
14 education, planning, or training program offered by any public or private
15 agency, institution, or organization.
- 16 ~~j.~~ i. Exercise of county options with respect to register of deed services and clerk
17 of district court services pursuant to sections 11-10-02 and 11-17-11.
- 18 ~~k.~~ j. Sharing of elective or appointive county officers with other counties, cities, or
19 other political subdivisions pursuant to chapter 11-10.3.
- 20 ~~l.~~ k. Initiation of the multicounty home rule charter process or the amendment or
21 repeal of a multicounty home rule charter pursuant to section 11-09.1-04.1, or
22 the adoption, amendment, or repeal of ordinances to implement the charter.
23 The recommendation may include a specific nonbinding proposal or draft for a
24 multicounty home rule charter.
- 25 ~~m.~~ l. Initiation of the county-city home rule process or the amendment or repeal of
26 a county-city home rule charter pursuant to chapter 54-40.4, or the adoption,
27 amendment, or repeal of ordinances to implement the charter. The
28 recommendation may include a specific nonbinding proposal or draft for a
29 county-city home rule charter.
- 30 ~~n.~~ m. Transfer of a power or function of another political subdivision to the county
31 pursuant to chapter 54-40.5.

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- 1 ~~e~~: n. Creation of a county consolidation committee pursuant to chapter 11-05.1.
- 2 ~~p~~: o. That any other action be taken that is permitted by law.
- 3 ~~e~~: p. That no action be taken.
- 4 **SECTION 4. REPEAL.** Chapter 11-10.2 of the North Dakota Century Code is
- 5 repealed.