

Fifty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2245

Introduced by

Senators Cook, Lee, Tomac

Representatives S. Kelsh, Renner

1 A BILL for an Act to amend and reenact section 40-38-11 of the North Dakota Century Code,  
2 relating to joint public library services.

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

4 **SECTION 1. AMENDMENT.** Section 40-38-11 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **40-38-11. Joint public library services by cities and counties.**

- 7 1. Upon ~~compliance with section 40-38-01 for the establishment of public library~~  
8 ~~services~~ petition of not less than fifty-one percent of the qualified electors of each  
9 city and county involved or upon resolution of the governing body of each city or  
10 county involved, public library services may be jointly provided through a written  
11 agreement between the governing bodies of any city or county or both to establish  
12 and maintain joint library services with one or more cities or counties or both.
- 13 2. A party ~~shall be~~ is bound to an agreement entered ~~into~~ under subsection 1 for an  
14 initial five-year term and subsequent five-year terms unless it provides other  
15 parties to the agreement with notice of intent to withdraw from the agreement at  
16 least two years before the proposed date of withdrawal.
- 17 3. The parties to the agreement shall appoint a single joint library board to govern  
18 public library services covered by the agreement. The method of representation  
19 on the joint library board and the establishment of the initial board with staggered  
20 terms ~~shall~~ must be determined in the agreement. ~~Provided, the~~ The joint library  
21 board ~~shall~~ must consist of an equal number of appointees from each party to the  
22 agreement and, ~~in any case, shall~~ may not consist of ~~not less~~ fewer than five  
23 members nor more than eleven members. ~~No~~ A member of the board ~~shall~~ may

- 1            not serve for more than two consecutive three-year terms, after which an interval  
2            of one year must elapse before the same member may be reappointed.
- 3            4. The joint library board ~~shall have~~ has all power and duties provided in sections  
4            40-38-04 through 40-38-09.
- 5            5. A joint library fund ~~shall~~ must be established for the public library services covered  
6            by the agreement. Each city or county represented in the agreement shall provide  
7            its pro rata share of funds for the services, as specified in the agreement, from the  
8            funds received under section 40-38-02.
- 9            6. The joint library board shall appoint, and may remove, a treasurer to administer the  
10           joint library fund. The treasurer may be a treasurer of one of the parties to the  
11           agreement or a member of the board ~~or both~~. The city auditor and county  
12           treasurer of each city or county represented in the agreement and the state  
13           librarian shall promptly transmit all funds authorized under subsection 5 and  
14           chapter 54-24.2, ~~respectively~~, directly to the treasurer of the joint library board.  
15           The treasurer shall pay out moneys belonging to the joint library board only upon  
16           properly drawn vouchers, pursuant to order of the joint library board. The funds  
17           received by the treasurer ~~shall~~ do not revert to or may not be considered funds on  
18           hand by any governmental unit furnishing the ~~same~~ funds, at the end of any  
19           biennium or fiscal year. The treasurer ~~shall~~ must be bonded in ~~such an~~ an amount ~~as~~  
20           ~~may be~~ specified by resolution adopted by the joint library board.
- 21           7. The agreement ~~shall~~ must include provisions for the dissolution of the joint library  
22           board and distribution of assets ~~in the event~~ if the agreement is terminated.
- 23           8. Joint libraries established and operated under this section are eligible to receive  
24           financial aid under chapter 54-24.2 to the extent that each city and county  
25           represented in the agreement would be eligible for the aid.
- 26           9. Agreements for public library services between cities or counties or both may be  
27           provided under this section or other provisions of this chapter and may not be  
28           provided under chapter 54-40 or other provisions of law.
- 29           ~~10. After July 1, 1981, the establishment of joint library services pursuant to this~~  
30           ~~section shall not be permitted unless approved by the electors of each individual~~  
31           ~~city or county considering the question.~~