

**CHAPTER 11-06
CHANGING COUNTY LINES**

11-06-01. Changing county lines by transfer of territory from one county to another authorized - Petitions required.

Territory may be transferred from one county to another by compliance with the provisions of this chapter. A majority of the qualified electors, as determined by the vote cast for the office of governor at the last general election, residing in any territory comprising an area of not less than one congressional township, may petition the board of county commissioners of the county in which they reside, and the board of county commissioners of the county to which they desire territory transferred, for permission to have the territory described in the petition transferred from one county to another. Such petition shall be presented to the boards of county commissioners of the counties affected at least sixty days before a general election.

11-06-02. Area and population requirements of county after change in boundaries - When petition disregarded.

Repealed by S.L. 1993, ch. 401, § 53.

11-06-03. Election required - Duties of boards of county commissioners.

The boards of county commissioners to which petitions are addressed under the provisions of this chapter shall order an election to be held in their respective counties to vote upon the question of the change in county lines specified in the petitions if the petitions comply with the requirements of this chapter. Such election shall be held at and in connection with the general election next following the filing of the petitions.

11-06-03.1. Boards of county commissioners to submit plan of county consolidation committee to electors.

Notwithstanding sections 11-06-01 and 11-06-03, if a plan for changing county lines is submitted by a county consolidation committee to two or more boards of county commissioners pursuant to chapter 11-05.1, each board of county commissioners shall submit the question of the change in county lines to the qualified electors of the county at a general election as specified by the county consolidation committee within two years of submission of the plan. The election must be held in conjunction with the election held in any other county proposed to be affected by the plan. Sections 11-06-06 and 11-06-07 apply to the plan for change in county lines, unless the plan provides an alternative implementation date or arrangement for debts of the transferred area.

11-06-04. Election - Notice - Ballot - Returns.

The notice of an election to change the boundaries of a county shall contain a description of the territory proposed to be transferred, the name of the county from which, and the name of the county to which, the transfer is intended to be made. The notice shall be posted as required for general elections. The ballot to be used at the election shall be in substantially the following form:

Shall _____ (describe the territory) be transferred from the county of _____ (name county) to the county of _____ (name county)?

Yes

No

The result of the election shall be reported to the secretary of state.

11-06-05. Petition and election within three years of prior election.

Repealed by S.L. 1993, ch. 401, § 53.

11-06-06. When territory transferred - Assessment of taxes - Judicial and official proceedings - Township officers continue in office.

If a majority of the qualified electors in each of the counties affected voting on the question shall favor transferring the territory, such territory, on the first day of March succeeding the election, shall become a part of the county to which the transfer was proposed to be made. The assessment and collection of taxes and judicial and other official proceedings commenced prior to such first day of March shall be continued, prosecuted, and completed in the same manner as if no transfer had been made. All township officers within the transferred territory shall continue to hold their offices within the county to which such territory is transferred until their terms of office expire.

11-06-07. Debts of transferred territory - Payment to county from which transferred.

Territory transferred under the provisions of this chapter shall not be released from the payment of its proportion of the debts of the county from which it was transferred. Such proportion shall be collected by the county to which the territory is transferred at an equal or greater rate than is levied and collected in the county from which the territory was transferred, such rate to be ascertained by the certificate of the county auditor of the county from which the territory was transferred. When the funds for the payment of such indebtedness are collected, such funds shall be paid over to the county entitled thereto. When the county to which territory is transferred is indebted, the board of county commissioners of such county shall release the transferred territory from the payment of such indebtedness to an amount equal to that which the territory is required to pay to the county from which it was transferred.

11-06-08. Redistricting when county enlarged.

Whenever the boundaries of any organized county shall have been enlarged by the addition thereto of any additional territory, the board of county commissioners of such county shall redistrict the county into commissioner districts immediately. Such redistricting may be done at a regular or special meeting. The districts shall be made as regular and as compact in form as practicable and as nearly equal in population as possible, but no new district shall be so formed that any two of the then acting commissioners shall reside in the same district.

11-06-09. When territory less than one congressional township - Election.

When a majority of the qualified electors of a territory containing less than one congressional township shall petition the boards of county commissioners as provided in section 11-06-01, such boards, in their discretion, may order elections to be held as provided in this chapter to pass upon the question of the change in county lines prayed for in the petitions.