

## HOUSE BILL NO. 1317

Introduced by

Representatives Grosz, Nichols

1 A BILL for an Act to create and enact nineteen new sections to chapter 11-05, two new sections  
2 to chapter 11-06, a new section to chapter 11-08, a new section to chapter 11-09, a new  
3 section to chapter 11-09.1, a new section to chapter 40-05.1, four new sections to chapter  
4 40-08, and a new section to chapter 54-40 of the North Dakota Century Code, relating to  
5 methods of restructuring county and city governments; to amend and reenact sections  
6 11-05-02, 11-05-04, 11-05-05, 11-05-07, 11-05-25, 11-05-26, 11-05.1-01, 11-05.1-03,  
7 11-05.1-04, 11-05.1-06, 11-08-02.1, 11-08-05, 11-09-03, 11-09-07, 11-09-48, 11-09.1-02,  
8 11-09.1-03, 11-09.1-04, subsection 3 of section 11-09.1-05, sections 11-10-02, 40-04.1-01,  
9 40-04.1-02, 40-05.1-01, 40-05.1-03, 40-05.1-04, 40-08-03, 40-08-04, 40-09-01, 40-09-04,  
10 40-10-02, 40-12-01, 40-14-04, 40-49-05, 54-40-08 and 54-44.4-02 of the North Dakota Century  
11 Code, relating to methods of restructuring county and city governments; and to repeal sections  
12 11-05-09.1, 11-05-09.2, 11-06-03.1, 11-09.1-04.1, chapters 11-10.2, 11-10.3, 40-01.1, sections  
13 40-05.1-05.1, 40-06-09, 40-49-07.1, 40-49-07.2, chapters 40-49.1, 54-40.3, 54-40.4, and  
14 54-40.5 of the North Dakota Century Code and section 1 of chapter 401 of the 1993 Session  
15 Laws, relating to methods of restructuring county and city governments.

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

17 **SECTION 1.** A new section to chapter 11-05 of the North Dakota Century Code is  
18 created and enacted as follows:

19 **Definitions.** In this chapter, an "adjoining county" is the county with which the  
20 petitioning county asks to be consolidated and a "petitioning county" is the county that has  
21 created a plan for consolidation with another county or counties pursuant to chapter 11-05.1.

22 **SECTION 2. AMENDMENT.** Section 11-05-02 of the North Dakota Century Code is  
23 amended and reenacted as follows:

1           **11-05-02. Board of county commissioners to submit consolidation plan to**  
2 **electorate.** If a county consolidation plan is submitted to ~~two or more boards~~ a board of county  
3 commissioners pursuant to chapter 11-05.1, ~~each~~ the board of county commissioners shall  
4 submit the question of consolidation to the qualified electors of the county at a the next primary  
5 election ~~as specified by the county consolidation committee in conjunction with the election held~~  
6 ~~in any other counties proposed to be affected by the plan~~ manner provided by this chapter.

7           **SECTION 3.** A new section to chapter 11-05 of the North Dakota Century Code is  
8 created and enacted as follows:

9           **Consolidation of all territory within organized county with two or more counties -**  
10 **Petitions required - Election.** A county may be disorganized and the territory divided among  
11 and attached to two or more adjoining counties upon compliance with this section. Petitions  
12 signed by thirty percent of the qualified electors of each portion of the petitioning county, as  
13 determined by the vote cast for the office of governor at the last preceding general election,  
14 must be filed with the boards of county commissioners of the petitioning county and of the  
15 adjoining counties named in the petitions. The petitions may not be considered unless the  
16 petitions dispose of all of the territory in the petitioning county and the petitions have been filed  
17 at least ninety days before a statewide primary election. If the petitions conform to the  
18 requirements of this section, the boards of county commissioners to which the petitions are  
19 addressed shall submit the question of consolidation to the qualified electors of each of the  
20 counties affected at the next statewide primary election.

21           **SECTION 4. AMENDMENT.** Section 11-05-04 of the 1997 Supplement to the North  
22 Dakota Century Code is amended and reenacted as follows:

23           **11-05-04. Notice of election - How given.** The county auditor of each of the counties  
24 affected shall publish once each week for at least two consecutive weeks ~~prior to~~ before the  
25 election in the official newspaper of the county a notice giving the date of the primary election,  
26 the hours during which the polls will be opened, a reference to the notice of the primary election  
27 for a statement of the places where the election will be held, and the names of the counties  
28 affected, ~~and a fair and accurate summary of the consolidation plan.~~ The notice must state that  
29 the proposition to be voted upon will be:

1 Shall the ~~corporate existence and governments of the~~ county of \_\_\_\_\_  
2 (name of petitioning county) and the county (~~or counties~~) of \_\_\_\_\_ be  
3 consolidated into one county government pursuant to the consolidation plan?

4 If the plans that have been filed ask that the territory be consolidated with and annexed to more  
5 than one county, the notice must state that the proposition to be voted upon will be:

6 Shall that part of the county of \_\_\_\_\_ (name of the petitioning county)  
7 described as \_\_\_\_\_ (description of portion of petitioning county to be  
8 annexed as described in the plan) be consolidated with and annexed to the county of  
9 \_\_\_\_\_ (name of the adjoining county).

10 **SECTION 5. AMENDMENT.** Section 11-05-05 of the 1997 Supplement to the North  
11 Dakota Century Code is amended and reenacted as follows:

12 **11-05-05. Form of ballot.** The ballots used at an election held under ~~the provisions of~~  
13 this chapter must be in substantially the following form:

14 Shall the ~~corporate existence and governments of the~~ county of \_\_\_\_\_  
15 (name of petitioning county) and the county (~~or counties~~) of \_\_\_\_\_ be  
16 consolidated into one county government pursuant to the consolidation plan?

17 If the plans that have been filed ask that the territory within the petitioning county be  
18 consolidated with and annexed to more than one county, the ballot must be in substantially the  
19 following form:

20 Shall that part of the county of \_\_\_\_\_ (name of the petitioning county)  
21 described as \_\_\_\_\_ (description of portion of petitioning county to be  
22 annexed as described in the plan) be consolidated with and annexed to the county of  
23 \_\_\_\_\_ (name of the adjoining county).

24 Below the question submitted, there must be printed:

25 Yes

26 No

27 **SECTION 6. AMENDMENT.** Section 11-05-07 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29 **11-05-07. Affirmative vote necessary to consolidate counties.** ~~A majority~~ If fifty-five  
30 percent of the legal votes cast on the question of consolidation in each of the counties affected

1 ~~is necessary for approval~~ are in favor of a county consolidation plan, the consolidation is  
2 approved.

3       **SECTION 7.** A new section to chapter 11-05 of the North Dakota Century Code is  
4 created and enacted as follows:

5       **Resubmission of question.** The proposition of consolidation may not be voted upon  
6 more often than once in three years.

7       **SECTION 8.** A new section to chapter 11-05 of the North Dakota Century Code is  
8 created and enacted as follows:

9       **Secretary of state to notify governor of result of election - Governor's**  
10 **proclamation.** If the question of consolidation has received the required number of affirmative  
11 votes, the secretary of state shall notify the governor. The governor, without delay, shall issue  
12 a proclamation announcing the result of the election.

13       **SECTION 9.** A new section to chapter 11-05 of the North Dakota Century Code is  
14 created and enacted as follows:

15       **Equalization of assets and liabilities of counties.** The boards of county  
16 commissioners of the petitioning and adjoining counties shall meet at the courthouse in the  
17 petitioning county on the third Tuesday in December following the governor's proclamation to  
18 effect an equalization of the property, funds on hand, and debts of the counties. The boards  
19 shall have the necessary records of the petitioning county transcribed and made a part of the  
20 records of the adjoining county or counties and shall perform any act necessary to carry out the  
21 consolidation of the counties.

22       **SECTION 10.** A new section to chapter 11-05 of the North Dakota Century Code is  
23 created and enacted as follows:

24       **Arbitration of disagreement.** If a majority of each board of county commissioners of  
25 the petitioning and adjoining counties cannot effect an equalization of the property, funds on  
26 hand, and debts of the counties, the chairman of the board of commissioners of the petitioning  
27 county shall notify the governor of the disagreement. The governor shall appoint a  
28 three-member arbitration board to hear and decide the disagreement. All decisions made by a  
29 majority of the members of the arbitration board are final and binding on each respective board  
30 of county commissioners.

1           **SECTION 11.** A new section to chapter 11-05 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Records and equipment transferred to adjoining county.** Between December  
4 twenty-sixth and January first following the governor's proclamation, the officers of the  
5 petitioning county shall remove all the files, records, books, papers, equipment, fixtures, and  
6 furniture of their respective offices to the courthouse of the adjoining county or counties. Those  
7 files, records, books, papers, equipment, fixtures, and furniture become the property of the  
8 adjoining county or counties as constituted as of January first following the date of the  
9 governor's proclamation.

10          **SECTION 12.** A new section to chapter 11-05 of the North Dakota Century Code is  
11 created and enacted as follows:

12          **Money and property delivered to adjoining county - Money to be kept in separate**  
13 **fund.** All moneys and property in the custody or possession of any officer of the petitioning  
14 county must be delivered to the proper officer or officers of the adjoining county or counties  
15 between December twenty-sixth and January first following the date of the governor's  
16 proclamation. All moneys transferred must be kept in a separate fund to pay the indebtedness  
17 of the petitioning county. All moneys of the petitioning county raised for interest and sinking  
18 funds must be kept in a separate fund for the payment of interest and principal, when due, on  
19 bonds or certificates of indebtedness issued by the petitioning county.

20          **SECTION 13.** A new section to chapter 11-05 of the North Dakota Century Code is  
21 created and enacted as follows:

22          **When consolidation is complete.** As of January first following the date of the  
23 governor's proclamation, the petitioning county ceases to exist as a county and all that territory  
24 embraced within its limits is consolidated with and annexed to, and forms an integral part of, the  
25 adjoining county or counties.

26          **SECTION 14.** A new section to chapter 11-05 of the North Dakota Century Code is  
27 created and enacted as follows:

28          **Judicial proceedings transferred to courts of adjoining county.** All proceedings  
29 that have been filed or which are pending in a district court serving the petitioning county on  
30 January first following the governor's proclamation must be transferred by the clerk of that court  
31 to the clerk of the district court of the adjoining county.

1           **SECTION 15.** A new section to chapter 11-05 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Trial of criminal case transferred to adjoining county.** A criminal case transferred  
4 from the petitioning county to the adjoining county or counties pursuant to section 11-05-16  
5 must be tried by a jury drawn in the manner provided by the state law.

6           **SECTION 16.** A new section to chapter 11-05 of the North Dakota Century Code is  
7 created and enacted as follows:

8           **Officer may not be elected in petitioning county.** Any nomination received by a  
9 candidate for a county office in a petitioning county at an election at which the question of  
10 consolidating the county is voted upon is void if the consolidation of the county is approved as  
11 provided in this chapter, and no county officer may be elected in the county at the general  
12 election.

13           **SECTION 17.** A new section to chapter 11-05 of the North Dakota Century Code is  
14 created and enacted as follows:

15           **Members of board of county commissioners of petitioning county to meet with**  
16 **board of adjoining county - Expiration of terms of officers of petitioning county.** Each  
17 member of the board of county commissioners of the petitioning county whose term of office  
18 does not expire as of January first following the governor's proclamation shall act, during the  
19 remainder of the term of office, at all meetings with the board of county commissioners of the  
20 adjoining county to which the greater portion of the territory of the commissioner's district has  
21 been annexed. A member of the board of county commissioners of the petitioning county so  
22 acting has no voice or vote on any question pertaining to matters arising within the territory  
23 included in the adjoining county before the consolidation, but as to questions pertaining to the  
24 territory formerly included in the petitioning county, the member may act and vote with the  
25 board of county commissioners of the adjoining county. The term of any other county officer of  
26 the petitioning county, elected or appointed, expires, unless the officer's term has previously  
27 expired, on January first following the governor's proclamation.

28           **SECTION 18.** A new section to chapter 11-05 of the North Dakota Century Code is  
29 created and enacted as follows:

30           **Board of county commissioners of adjoining county to redistrict new county.** The  
31 board of county commissioners of the adjoining county, at the first meeting following the

1 consolidation, shall redistrict the territory of the county as consolidated into commissioner  
2 districts, and the members of the board of county commissioners acting from the petitioning  
3 county are considered commissioners at large until the expiration of their respective terms of  
4 office.

5         **SECTION 19.** A new section to chapter 11-05 of the North Dakota Century Code is  
6 created and enacted as follows:

7         **Compensation of commissioners of petitioning county - Vacancy not to be filled.**

8 A member of the board of county commissioners of the petitioning county, during an unexpired  
9 term of office, is entitled to the same fees and compensation as that paid to the commissioner  
10 by the petitioning county before the consolidation. The compensation and fees must be paid by  
11 the adjoining county out of taxes collected upon property in the territory that before the  
12 consolidation constituted the petitioning county. If a vacancy occurs during the term of office of  
13 a member of the board of county commissioners of the petitioning county, no successor to that  
14 commissioner may be appointed, and upon the expiration of the term of office of any such  
15 commissioner, no successor may be elected.

16         **SECTION 20.** A new section to chapter 11-05 of the North Dakota Century Code is  
17 created and enacted as follows:

18         **Territory in petitioning county to remain in same legislative district until**

19 **apportionment - Election of legislators - How conducted.** The territory that constituted the  
20 petitioning county remains in the legislative district of which it was a part before the  
21 consolidation until the next apportionment of the state into legislative districts. If the territory  
22 from which the respective counties were constituted before the consolidation is in different  
23 legislative districts, the county auditor of each adjoining county shall keep separately the vote  
24 polled in the territory constituting the respective county before the consolidation at any election  
25 for state senators or representatives and shall report and return that vote separately to the  
26 secretary of state.

27         **SECTION 21.** A new section to chapter 11-05 of the North Dakota Century Code is  
28 created and enacted as follows:

29         **Authority of officers of adjoining county.** After December thirty-first following the  
30 governor's proclamation, the officers of the adjoining county or counties shall perform any act  
31 necessary to be performed within the territory that had constituted the petitioning county. The

1 acts performed have the same validity as though the officers had been elected from the  
2 petitioning county.

3 **SECTION 22.** A new section to chapter 11-05 of the North Dakota Century Code is  
4 created and enacted as follows:

5 **Petitioning and adjoining counties liable for only their own debts.** An adjoining  
6 county is not liable for the debts of the petitioning county contracted before consolidation, nor is  
7 the petitioning county liable for the debts of an adjoining county contracted before that time.

8 **SECTION 23. AMENDMENT.** Section 11-05-25 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **11-05-25. Power of ~~consolidated~~ adjoining county to levy taxes in petitioning**  
11 **county to pay debts.** ~~If authorized in the approved consolidation plan, the~~ The board of  
12 county commissioners of ~~the consolidated~~ an adjoining county has all the powers ~~which that~~  
13 the board of county commissioners of ~~a previous~~ the petitioning county had at the time of the  
14 consolidation, to levy taxes upon the property in the territory which, prior to the consolidation,  
15 constituted the ~~previous~~ petitioning county, for the purpose of paying the debts and obligations  
16 of the ~~previous~~ petitioning county in existence at the time of consolidation.

17 **SECTION 24. AMENDMENT.** Section 11-05-26 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **11-05-26. Board of county commissioners of ~~consolidated~~ adjoining county may**  
20 **issue evidences of indebtedness.** ~~If authorized in the approved consolidation plan, the~~ The  
21 board of county commissioners of ~~the consolidated~~ an adjoining county may compromise debts  
22 and obligations of ~~a previous~~ the petitioning county existing at the time of the consolidation and  
23 may issue bonds or certificates of indebtedness in settlement or compromise of, or to fund,  
24 those debts and obligations. Bonds or certificates issued under this section must bear upon  
25 their face a statement that the principal and interest to become due may be paid only from  
26 taxes levied upon the property within the territory ~~which that~~ constituted the previous petitioning  
27 county prior to the consolidation.

28 **SECTION 25.** A new section to chapter 11-05 of the North Dakota Century Code is  
29 created and enacted as follows:

30 **Suits against petitioning county brought against adjoining county - Payment of**  
31 **judgment against petitioning county.** Any claim for relief that may have been brought



1 against the petitioning county if it had remained an independent county may be brought, after  
2 the consolidation, against an adjoining county. Any judgment rendered in the action must be  
3 paid from funds raised by taxes levied upon the property in the territory that constituted the  
4 petitioning county before the consolidation.

5 **SECTION 26. AMENDMENT.** Section 11-05.1-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **11-05.1-01. County consolidation committee.**

- 8 1. ~~Any two or more counties may create a county consolidation committee:~~  
9 a. ~~By entering into a joint powers agreement or by joint resolution pursuant to~~  
10 ~~separate majority votes of the participating boards of county commissioners;~~  
11 ~~or~~  
12 b. ~~By direct initiative through petitions signed by ten percent or more of the total~~  
13 ~~number of qualified electors of each county voting for governor at the most~~  
14 ~~recent gubernatorial election. Upon its own motion, the board of county~~  
15 ~~commissioners of any county may create a county consolidation committee.~~  
16 ~~The board shall create a county consolidation committee if twenty percent of~~  
17 ~~the qualified electors of a county, as determined by the vote cast for the office~~  
18 ~~of governor at the last general election, petition the board to create a~~  
19 ~~committee.~~
- 20 2. ~~The composition of the committee is as prescribed in the joint powers agreement~~  
21 ~~or joint resolution, or as the composition or manner for determining the composition~~  
22 ~~is prescribed in the petition. However, The board of county commissioners shall~~  
23 ~~appoint the committee membership. The membership must include at least one~~  
24 ~~resident of each incorporated city in each the county, one additional resident of~~  
25 ~~each county commissioner's district, and no more than three additional members at~~  
26 ~~large as determined by the board of county commissioners.~~
- 27 3. ~~Any A vacancy may on the committee must be filled as prescribed in the~~  
28 ~~agreement or resolution or, if not prescribed, by the board of county~~  
29 ~~commissioners of the county that was represented by the person vacating the~~  
30 ~~position same manner as originally appointed.~~

1           4. The committee has at least one hundred twenty days in which to consider and file  
2           its final report. After one hundred twenty days the committee may be discharged  
3           by motion of either the board of county commissioners.

4           **SECTION 27. AMENDMENT.** Section 11-05.1-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **11-05.1-03. Powers and duties ~~–Contents of plan.~~**

- 7           ~~4.~~ The committee, ~~in studying and preparing a plan to consolidate the counties or~~  
8           ~~change county lines,~~ shall consider and include in the plan as appropriate:
- 9           ~~a.~~ The fiscal impact of the proposed county consolidation or change in county  
10           lines and the economic viability of the proposed county or counties, including  
11           the costs of the proceedings to form the county or change county lines;
  - 12           ~~b.~~ The comparative costs of providing services in the affected counties and the  
13           proposed county or counties;
  - 14           ~~c.~~ The projected revenues available to the affected counties and the proposed  
15           county or counties;
  - 16           ~~d.~~ The final boundaries of the proposed county or counties;
  - 17           ~~e.~~ A procedure for the orderly and timely transfer of service functions and  
18           responsibilities from the affected counties to the proposed county or counties;
  - 19           ~~f.~~ A method or plan and timetable for redistricting the proposed consolidated  
20           county, pursuant to the redistricting principles enumerated in chapter 11-07.  
21           The redistricting process in the case of a change in county lines is as provided  
22           in section 11-06-08;
  - 23           ~~g.~~ The procedure and plan for equalization of the assets and liabilities of the  
24           affected counties, and procedures for negotiation and resolution of any  
25           subsequent disagreement regarding the equalization of assets and liabilities;
  - 26           ~~h.~~ An adjustment of existing bonded indebtedness and other obligations in a  
27           manner that will provide for a fair and equitable burden of taxation for debt  
28           service;
  - 29           ~~i.~~ The estimated taxes, assessments, or other authorized charges necessary in  
30           the proposed county to meet the liabilities in the first full fiscal year after the  
31           proposed county is formed;

- 1           j. ~~The structure or form of county government and the selection, powers, duties,~~  
2           ~~functions, qualifications and training, terms, and compensation of officers;~~
- 3           k. ~~The application of the plan, if any, to each school district, city park district, and~~  
4           ~~any other special taxing district within the affected counties;~~
- 5           l. ~~The transition in implementing the plan, including elements that consider the~~  
6           ~~reasonable expectations of current officeholders such as compensation during~~  
7           ~~an unexpired term of office and delayed effective dates for implementation at~~  
8           ~~the end of a current term or a future term, upon the occurrence of a vacancy,~~  
9           ~~or on a date certain;~~
- 10          m. ~~The limited application or temporary implementation of the plan, including~~  
11          ~~provisions that permit implementation on an experimental or pilot basis such~~  
12          ~~as the expiration of the plan on a date certain in the future, required~~  
13          ~~reapproval of the plan by the electors at a future date, or a phased in~~  
14          ~~implementation of various components of the plan; and~~
- 15          n. ~~Other considerations and provisions that the committee decides to include~~  
16          ~~and which are consistent with state law.~~
- 17          2. ~~The committee may:~~
- 18           a. ~~Employ and fix the compensation and duties of necessary staff;~~
- 19           b. ~~Contract and cooperate with other individuals and public or private agencies~~  
20           ~~considered necessary for assistance, including institutions of higher~~  
21           ~~education;~~
- 22           e. ~~Establish advisory subcommittees that include, if desired, persons who are~~  
23           ~~not members of the study committee;~~
- 24           d. ~~Hold public hearings and community forums and use other suitable means to~~  
25           ~~disseminate information, receive suggestions and comments, and encourage~~  
26           ~~public discussion of its purpose, progress, conclusions, and~~  
27           ~~recommendations; and~~
- 28           e. ~~Draft a multicounty home rule charter as a charter commission pursuant to~~  
29           ~~section 11-09.1-04.1, in lieu of proceeding pursuant to the provisions of~~  
30           ~~chapter 11-05.~~

- 1           1. Study or prepare a plan to consolidate the county with one or more adjoining  
2                   counties or study and propose an alternative form of county government as  
3                   authorized by law.
- 4           2. Hold meetings and public hearings to consider proposals that may be submitted by  
5                   qualified electors of the county or adjoining counties or obtain public views upon  
6                   plans prepared by the committee.
- 7           3. Publish once in one or more newspapers having general circulation in the county  
8                   one week in advance the date and times of public hearings.

9           **SECTION 28. AMENDMENT.** Section 11-05.1-04 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11           **11-05.1-04. Approval of consolidation plan.** If the committee approves a  
12 consolidation plan, it must submit a report and a map showing the boundaries of the proposed  
13 county consolidation ~~or change in county lines~~ to the board of county commissioners of the  
14 county and of each affected adjoining county. The ~~report reports~~ may also be made available  
15 to all interested persons. When the ~~report reports~~ and ~~map maps~~ have been received by the  
16 respective boards of county commissioners, the ~~boards~~ board of county commissioners of each  
17 county shall act pursuant to chapter 11-05 ~~or 11-06~~.

18           **SECTION 29. AMENDMENT.** Section 11-05.1-06 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **11-05.1-06. Expenses.** ~~Except as otherwise provided by the implementing joint~~  
21 ~~powers agreement, joint resolutions, or petitions, each~~ Each member of the committee is  
22 entitled to receive from the county the actual and necessary expenses incurred by that member  
23 in attending scheduled meetings and in performance of official duties in the same manner and  
24 amounts as members of the board of county commissioners, but ~~shall~~ may not receive ~~no~~ any  
25 salary or compensation for services performed. All expenses of the committee must be paid  
26 from county funds after approval of these expenses by the ~~boards~~ board of county  
27 commissioners in the same manner as other general county expenses.

28           **SECTION 30.** A new section to chapter 11-06 of the North Dakota Century Code is  
29 created and enacted as follows:

30           **Area and population requirements of county after change in boundaries - When**  
31 **petition disregarded.** The area of a county may not be reduced to fewer than twenty-four

1 congressional townships nor may the population of a county be reduced to fewer than five  
2 thousand bona fide inhabitants under this chapter. A petition that would effect a reduction in an  
3 organized county contrary to this section must be disregarded.

4 **SECTION 31.** A new section to chapter 11-06 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Petition and election within three years of prior election.** If an election has been  
7 held on a petition filed under section 11-06-01 and the result has been adverse to the  
8 petitioners, it is discretionary with the boards of county commissioners whether another election  
9 can be held on a petition to transfer the same territory if the petition is presented within three  
10 years from the time of holding the former election.

11 **SECTION 32.** A new section to chapter 11-08 of the North Dakota Century Code is  
12 created and enacted as follows:

13 **Board of county commissioners to submit plan to electorate.** When a county  
14 consolidated office form of government plan is submitted to a board of county commissioners  
15 pursuant to chapter 11-05.1, the board of county commissioners shall submit the question of  
16 adopting the plan to the qualified electors of the county at the next primary election in the  
17 manner provided in this chapter.

18 **SECTION 33. AMENDMENT.** Section 11-08-02.1 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **11-08-02.1. Board of county commissioners may submit plan.** The question of the  
21 adoption of a consolidated office form of government may be submitted ~~at the next primary~~  
22 ~~election~~ as provided by this chapter by the board of county commissioners ~~notwithstanding~~  
23 ~~chapter 11-05.1~~ by a resolution adopted by the affirmative vote of ~~a majority~~ not less than  
24 two-thirds of the entire board.

25 **SECTION 34. AMENDMENT.** Section 11-08-05 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **11-08-05. Vote required - Effective date ~~–Procedure for discontinuance.~~** If a  
28 ~~majority~~ fifty-five percent of the votes cast on the question of the adoption of the county  
29 consolidated form of government are in favor of that form, it becomes effective on the first day  
30 of January next succeeding the election. All elected officers shall continue in office until their  
31 successors are appointed pursuant to ~~the provisions of~~ this chapter. ~~The question of the~~

1 ~~discontinuance of the county consolidated office form of government may be submitted to the~~  
2 ~~electors at the next primary election through the same procedures set forth in this chapter for~~  
3 ~~adopting that form of government. On the first day of January following a vote to discontinue,~~  
4 ~~the county reverts to the form of government of the county immediately preceding adoption of~~  
5 ~~the consolidated office form of government, with all offices made appointive under this chapter~~  
6 ~~subject to election at the last preceding general election, or to another optional form of county~~  
7 ~~government adopted by the electors as provided by law.~~

8       **SECTION 35.** A new section to chapter 11-09 of the North Dakota Century Code is  
9 created and enacted as follows:

10       **Board of county commissioners to submit plan to electorate.** When a county  
11 managership form of government plan as provided by this chapter is submitted to a board of  
12 county commissioners pursuant to chapter 11-05.1, the board of county commissioners shall  
13 submit the question of adopting the plan to the qualified electors of the county at the next  
14 primary or general election in the manner provided in this chapter. The board of county  
15 commissioners may call a special election to submit the proposed plan to a vote of the qualified  
16 electors of the county before the next primary or general election, but the special election may  
17 not take place before the publication required by section 11-09-04 has been completed.

18       **SECTION 36. AMENDMENT.** Section 11-09-03 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20       **11-09-03. Board of county commissioners may submit plan.** ~~The Notwithstanding~~  
21 ~~chapter 11-05.1, the~~ question of the adoption of any county manager form of government may  
22 be submitted to the qualified electors of the county ~~at the next primary election~~ by the board of  
23 county commissioners by a resolution adopted by the affirmative ~~majority~~ vote of not less than  
24 sixty percent of the entire board. The resolution must clearly designate which form of  
25 government is submitted.

26       **SECTION 37. AMENDMENT.** Section 11-09-07 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28       **11-09-07. Vote required - Effective date.** ~~If a majority~~ fifty-five percent of the votes  
29 cast on the question of adoption of a county manager form of government are in favor of that  
30 form, it becomes effective on ~~the first day of January~~ first next succeeding the election or on a

1 later date as may be designated in the plan or resolution. All elected offices no longer filled by  
2 popular election are abolished on the effective date.

3 **SECTION 38. AMENDMENT.** Section 11-09-48 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **11-09-48. Election as to retention of plan.** At any time after any form of county  
6 managership has been in force in a county for a period of four years, the board of county  
7 commissioners may submit, and, when petitioned to do so at least ninety days before a primary  
8 election by at least twenty-five percent of the qualified electors of the county as determined by  
9 the total number of votes cast for the office of governor at the last general election, shall submit  
10 to the electors at a primary election the question of whether ~~or not to retain~~ to retain the county manager  
11 plan in force ~~shall be retained~~. If ~~a majority~~ fifty-five percent of the legal votes cast on ~~such the~~  
12 question at the primary election ~~shall be~~ are against retaining ~~such the~~ plan, it ~~shall cease~~  
13 ceases to be operative on the first Monday in January next succeeding the primary election,  
14 and the county ~~shall revert~~ reverts to the plan of government in force prior to the adoption of the  
15 county managership. Thereafter, ~~the provisions of this chapter shall~~ is not be applicable in  
16 ~~such that~~ county until after another compliance with its terms. When the petition has been filed,  
17 candidates for all county offices required under the plan in force prior to the adoption of the  
18 county managership may file nominating petitions. If ~~a majority~~ fifty-five percent of the legal  
19 votes cast on the question are against retaining the county manager plan, the candidates  
20 nominated at the primary election ~~shall~~ must be voted upon at the general election, and officers  
21 ~~shall be~~ elected in accordance with the general election laws. The terms of office of all officers  
22 elected as provided in this section ~~shall~~ commence on the first Monday in January next  
23 succeeding the primary election.

24 **SECTION 39. AMENDMENT.** Section 11-09.1-02 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **11-09.1-02. Charter commission - Membership - Preparation and submission of**  
27 **charter - Compensation and expenses - Publication.** Within sixty days after proceedings  
28 have been initiated for a home rule charter, the board of county commissioners shall appoint a  
29 charter commission, ~~emprised~~ composed of ~~at least~~ five members, to draft the charter, ~~unless~~  
30 ~~a petition proposing a charter pursuant to section 11-09.1-01 prescribes the composition of the~~  
31 ~~commission or the manner by which the composition of the commission is to be determined.~~

1 The board shall designate one of the charter commission members as chairman of the charter  
2 commission. The board shall set the compensation and expenses of charter commission  
3 members. The board, from its general funds, may furnish the charter commission with office  
4 space, clerical help, supplies, and legal and other assistance. The charter commission shall  
5 hold at least one public hearing on the proposed charter; and ~~may use other suitable means to~~  
6 ~~disseminate information, receive suggestions and comments, and encourage public discussion~~  
7 ~~of the proposed charter.~~ The commission shall prepare and submit the charter to the board of  
8 county commissioners within one year after appointment, ~~unless the board allows additional~~  
9 ~~time for submission of the charter.~~ The charter must contain a list of county offices to be  
10 elected and any elected offices that will be eliminated or combined if the charter is adopted.  
11 The board of county commissioners shall publish the proposed charter once in the official  
12 newspaper of the county.

13 **SECTION 40. AMENDMENT.** Section 11-09.1-03 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **11-09.1-03. Submission of charter to electors.** At least sixty days, ~~but no more than~~  
16 ~~two years,~~ after ~~submission of the charter to the board of county commissioners~~ publication, the  
17 proposed charter must be submitted to a vote of the qualified electors of the county at a the  
18 next primary or general election. If the proposed charter has been submitted to a vote of the  
19 qualified electors of the county, the board of county commissioners may call a special election  
20 to resubmit the proposed charter to a vote of the qualified electors of the county, and the  
21 special election must take place at least sixty days after the call for the special election. ~~The~~  
22 ~~board may amend the proposed charter prior to its resubmission to the electors.~~

23 **SECTION 41. AMENDMENT.** Section 11-09.1-04 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **11-09.1-04. Ratification by majority vote - Supersession of existing charter and**  
26 **conflicting state laws - Filing of copies of new charter.** If a majority of the qualified electors  
27 voting on the charter at the election vote in favor of the home rule charter, it is ratified and  
28 becomes the organic law of the county on ~~the first day of~~ January first or July first next following  
29 the election, and extends to all its county matters. The charter and the ordinances made  
30 pursuant to the charter in county matters must be liberally construed to supersede within the  
31 territorial limits and jurisdiction of the county any conflicting state law except for any state law as



1 it applies to cities or any power of a city to govern its own affairs, without the consent of the  
2 governing body of the city. ~~The charter may not authorize the enactment of ordinances to~~  
3 ~~diminish the authority of a board of supervisors of a township or to change the structure of~~  
4 ~~township government in any organized civil township, without the consent of the board of~~  
5 ~~supervisors of the township.~~ No ordinance of a home rule county ~~shall~~ may supersede section  
6 49-22-16. One copy of the charter as ratified and approved must be filed with the secretary of  
7 state, one with the clerk of district court for the county, and one with the auditor of the county to  
8 remain as a part of its permanent records. Courts shall take judicial notice of the charter.

9 **SECTION 42. AMENDMENT.** Subsection 3 of section 11-09.1-05 of the 1997  
10 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

21 **SECTION 43.** A new section to chapter 11-09.1 of the North Dakota Century Code is  
22 created and enacted as follows:

23 **Restriction on proposals to amend or repeal.** Any proposal to amend or repeal a  
24 home rule charter may not be submitted to the electorate more often than every two years.

25 **SECTION 44. AMENDMENT.** Section 11-10-02 of the 1997 Supplement to the North  
26 Dakota Century Code is amended and reenacted as follows:

27 **11-10-02. Number and election of county officers.**

28 1. Each organized county, unless it has adopted one of the optional forms of county  
29 government provided by ~~the code or has combined or separated the functions of~~  
30 ~~county offices or redesignated offices as elective or appointive pursuant to chapter~~  
31 ~~11-10.2 or 11-10.3~~ law, must have the following officers:



1 manner prescribed in section 11-11-02, and the county coroner, who must be  
2 chosen in the manner prescribed in section 11-19.1-03. The clerk of district court  
3 elected pursuant to this section is not subject to election in any future general  
4 election that occurs after the start of the state biennium after the county has  
5 properly initiated the option and the legislative assembly has provided  
6 appropriations pursuant to section 11-17-11.

7 **SECTION 45. AMENDMENT.** Section 40-04.1-01 of the 1997 Supplement to the North  
8 Dakota Century Code is amended and reenacted as follows:

9 **40-04.1-01. City council - Membership - Terms.** The governing body of a city  
10 operating under the modern council form of government is the city council, which is composed  
11 of ~~not less than four~~ five members, one of whom is the mayor, all elected at large, or a city  
12 council composed of seven, nine, or eleven members, at least three of whom must be elected  
13 by wards, and at least three of whom, including the one serving as mayor, must be elected at  
14 large. Candidates for the council ~~shall~~ may run for either mayor or council member but not both  
15 at the same time. ~~The~~ When a city first adopts a modern council form of government in cities  
16 electing five council members, the candidates having the three highest number of votes must  
17 be elected for a four-year term and the other two for a two-year term. In cities electing seven,  
18 nine, or eleven council members, the candidates, by means of their nominating petitions, must  
19 announce their intentions to seek a ward seat or an at large seat, or the mayor's seat. A  
20 candidate seeking a ward seat must be a resident of that ward. When a city first adopts a  
21 modern council form of government in cities electing seven, nine, or eleven members, the  
22 elected mayor candidate and the elected candidates from the wards must be elected for a  
23 four-year term and the at large elected candidates for a two-year term. Thereafter, the terms of  
24 members of the council shall must be four years, or until their successors are elected and  
25 qualified. ~~However, the council shall establish by ordinance a procedure whereby one half of~~  
26 ~~all council members, as nearly as is practicable, are elected biennially. The number of council~~  
27 ~~members may be increased or decreased pursuant to section 40-06-09. The city governing~~  
28 ~~body shall allow a council member who was previously elected to continue to hold office until~~  
29 ~~the term expires. In that case, council members from the odd-numbered wards and at least two~~  
30 ~~at large council members must be elected to a four-year term at the first election, with the~~

1 remainder of the council members being elected to four-year terms at the next regular city  
2 election.

3 **SECTION 46. AMENDMENT.** Section 40-04.1-02 of the 1997 Supplement to the North  
4 Dakota Century Code is amended and reenacted as follows:

5 **40-04.1-02. Compensation of council members.** The members of the council ~~shall~~  
6 may receive such compensation for their services as is fixed by ordinance, but not more than  
7 the maximum provided for the members of the governing board under any other form of city  
8 government, except in a city adopting the eleven-member modern council the maximum  
9 compensation is eighty-five dollars per month.

10 **SECTION 47. AMENDMENT.** Section 40-05.1-01 of the 1997 Supplement to the North  
11 Dakota Century Code is amended and reenacted as follows:

12 **40-05.1-01. Enabling clause.** Any city with a population of one hundred or more  
13 persons as determined by the last federal census may frame, adopt, amend, or repeal home  
14 rule charters as provided in this chapter.

15 **SECTION 48. AMENDMENT.** Section 40-05.1-03 of the 1997 Supplement to the North  
16 Dakota Century Code is amended and reenacted as follows:

17 **40-05.1-03. Charter commission - Membership - Preparation and submission of**  
18 **charter - Compensation and expenses - Publication or distribution.** ~~Within sixty days after~~  
19 If proceedings have been initiated for a home rule charter, the governing body of the city shall  
20 appoint a charter commission, composed of ~~at least~~ five members, to frame the charter, ~~unless~~  
21 ~~a petition proposing a charter pursuant to section 40-05.1-02 prescribes the composition of the~~  
22 ~~commission or the manner by which the composition of the commission is to be determined.~~

23 The chairman of the charter commission ~~shall~~ must be designated by the governing body and  
24 ~~shall~~ must be a charter commission member. Compensation and expenses of commission  
25 members ~~shall~~ must be as determined by the governing body. The governing body may furnish  
26 the charter commission with office space, clerical help, legal and other assistance, and  
27 supplies, and may appropriate and pay for same out of its general funds. ~~The charter~~  
28 ~~commission shall hold at least one public hearing on the proposed charter, and may use other~~  
29 ~~suitable means to disseminate information, receive suggestions and comments, and encourage~~  
30 ~~public discussion of the proposed charter.~~ The commission shall prepare and submit the  
31 charter within one year after appointment, ~~unless the governing body allows additional time for~~

1 ~~submission of the charter.~~ The proposed charter ~~shall~~ must then be published once in the city's  
2 official newspaper as provided in section 40-01-09. However, cities with a population of one  
3 thousand or ~~less~~ fewer may, in lieu of publishing the charter in a newspaper, distribute copies  
4 of the charter door-to-door and have ~~them~~ the copies posted and available at prominent  
5 locations in the city. ~~In the event~~ If a city does not publish the charter in a newspaper, it must  
6 still publish a notice of the election.

7 **SECTION 49. AMENDMENT.** Section 40-05.1-04 of the 1997 Supplement to the North  
8 Dakota Century Code is amended and reenacted as follows:

9 **40-05.1-04. Submission of charter to electors.** At least sixty days, but ~~no~~ not more  
10 than ~~two years,~~ six months after ~~submission of the charter to the governing body of the city~~ the  
11 publication or distribution, the proposed charter must be submitted to a vote of the qualified  
12 electors of the city at a regular or special city election, or at any statewide election that is held  
13 within that time, or at a special city election held concurrently with any statewide election. ~~If the~~  
14 ~~proposed charter has been submitted to a vote of the qualified electors of the city, the~~  
15 ~~governing body of the city may call a special election to resubmit the proposed charter to a vote~~  
16 ~~of the qualified electors of the city, and the special election must take place at least sixty days~~  
17 ~~after the call for the special election. The governing body may amend the proposed charter~~  
18 ~~prior to its resubmission to the electors.~~

19 **SECTION 50.** A new section to chapter 40-05.1 of the North Dakota Century Code is  
20 created and enacted as follows:

21 **Restriction on proposals to amend or repeal.** Any proposal to amend or repeal a  
22 home rule charter may not be submitted to the electorate more often than every two years.

23 **SECTION 51. AMENDMENT.** Section 40-08-03 of the 1997 Supplement to the North  
24 Dakota Century Code is amended and reenacted as follows:

25 **40-08-03. Number of council members.**

26 1. The number of council members is ~~not less than three.~~ ~~The number of council~~  
27 ~~members may be increased or decreased pursuant to section 40-06-09:~~

28 a. In cities of not more than two hundred residents, four, except that the city  
29 council may by resolution duly adopted reduce the number to two.

30 b. In cities of more than two hundred but not more than six hundred residents,  
31 four.

- 1           c. In cities of more than six hundred but not more than ten thousand residents,  
2           four, six, eight, ten, or twelve, as provided by city ordinance.
- 3           d. In cities of more than ten thousand residents, fourteen.
- 4           e. Cities of ten thousand or more residents which have been incorporated and  
5           operating under the council form of government may change to a ten council  
6           members and mayor organization upon approval by a majority vote at a  
7           special election called pursuant to the procedure provided in this chapter.
- 8           2. Whenever a census of the city shows a population requiring more council members  
9           than are in the council at the time of taking the census, the city council is not  
10           required to make a change in the number of council members and the  
11           corresponding change in the number of wards of the city unless a majority of the  
12           qualified electors of the city, to be determined by the number of names on the poll  
13           list of the last city election, petition for a change.

14           **SECTION 52.** A new section to chapter 40-08 of the North Dakota Century Code is  
15 created and enacted as follows:

16           **Change to ten council members and a mayor - Petition required.** A city of more  
17 than ten thousand residents operating under the council form of government may change its  
18 organization and operate with ten council members and a mayor. The proceeding to change  
19 must be initiated by a petition asking for the change signed by not less than one-third of the  
20 qualified electors of the city as determined by the total number of qualified electors voting at the  
21 preceding general election. The signatures to the petition need not be appended to a single  
22 paper, but one of the signers upon each paper must make oath before an officer competent to  
23 administer oaths that each signature appearing upon the paper is the genuine signature of the  
24 person whose name it purports to be. Each petition, in addition to the names of the signers,  
25 must contain the name, address, and age of each petitioner, and the length of the petitioner's  
26 residence in the city. Any petitioner may withdraw the petitioner's name from a petition within  
27 five days after the petition is filed.

28           **SECTION 53.** A new section to chapter 40-08 of the North Dakota Century Code is  
29 created and enacted as follows:

30           **City auditor to pass on sufficiency of petition requesting change to ten council**  
31 **members and a mayor.** Within thirty days after a petition to change to ten council members

1 and a mayor is filed, the city auditor shall examine the petition and ascertain from the voters'  
2 register whether the petition is signed by the required number of qualified electors. The city  
3 auditor shall attach to the petition a certificate showing the result of the auditor's examination. If  
4 the auditor finds the petition to be insufficient, the certificate must show the reason for the  
5 determination. An insufficient petition may be amended within ten days after the auditor's  
6 certificate is made. Within thirty days after an amended petition is filed, the auditor shall  
7 examine the amended petition. If the auditor's certificate shows the amended petition to be  
8 insufficient, the petition must be returned to the person filing the petition without prejudice to the  
9 filing of a new petition. If the auditor finds the petition or the amended petition to be sufficient,  
10 the auditor shall place the petition with the auditor's certificate before the governing body of the  
11 city.

12 **SECTION 54. AMENDMENT.** Section 40-08-04 of the 1997 Supplement to the North  
13 Dakota Century Code is amended and reenacted as follows:

14 **40-08-04. Election of council members.** In cities containing not more than six  
15 hundred ~~inhabitants or less~~ residents, the council members must be elected at large. Except as  
16 provided in section 40-08-04.2, in all other cities operating under the council form of  
17 government, except in a city operating with ten council members and a mayor, the council  
18 members must be elected by wards, and two council members must be elected from each  
19 ward. In cities operating under ten council members and a mayor, one council member must  
20 be elected from each of the seven wards and three council members and the mayor must be  
21 elected at large.

22 **SECTION 55.** A new section to chapter 40-08 of the North Dakota Century Code is  
23 created and enacted as follows:

24 **Procedure when petition to change to ten council members and a mayor is filed -**  
25 **Special election - Ballot.** When a petition to change to ten council members and a mayor,  
26 together with the city auditor's certificate of sufficiency, is filed with the governing body of a city,  
27 the governing body shall call a special election at which only the question of changing to ten  
28 council members and a mayor may be submitted. The date of the election must be at least  
29 thirty days but not more than ninety days after the date the auditor's certificate has been filed.  
30 The election must be conducted, returns made, and the result declared in all respects as are  
31 other city elections. Notice of the election must be given by the publication of the proposition to

1 be voted upon, the places where the election will be held, and the date of the election, in the  
2 city's official newspaper, at least five days but not more than twenty days before the date of the  
3 election. The ballot to be used at the election provided for in this section must be in  
4 substantially the following form:

5 Shall the city of \_\_\_\_\_ change its organization and operate with ten  
6 council members and a mayor?

7 Yes

8 No

9 **SECTION 56.** A new section to chapter 40-08 of the North Dakota Century Code is  
10 created and enacted as follows:

11 **Terms of office under ten council members - Staggered terms - Nominating**  
12 **petition requirements.** When a city operating under the council form of government changes  
13 to the ten council members and mayor organization, the alternation of the terms of the council  
14 members must be: the five council members receiving the greater number of votes shall serve  
15 until the fourth Tuesday in June following the second succeeding biennial election while the  
16 remaining five council members shall serve until the fourth Tuesday in June following the  
17 biennial election succeeding their election, and thereafter each council member must be elected  
18 to a four-year term and until a successor is elected and qualified. In cities electing ten council  
19 members, the candidates by means of their nominating petitions must announce their intentions  
20 to seek a ward seat or an at large seat. Upon approval of a change of organization to ten  
21 council members and a mayor, all incumbent council members shall serve until the next  
22 biennial election when the council seats must be filled. However, the mayor shall complete the  
23 unexpired term for which elected.

24 **SECTION 57. AMENDMENT.** Section 40-09-01 of the 1997 Supplement to the North  
25 Dakota Century Code is amended and reenacted as follows:

26 **40-09-01. Board of city commissioners - Composition.** The governing body of a city  
27 operating under the commission system of government is the board of city commissioners,  
28 which is composed of the president of the board of city commissioners and ~~not less than three~~  
29 four city commissioners. ~~The number of city commissioners may be increased or decreased~~  
30 pursuant to section 40-06-09.



1           **SECTION 58. AMENDMENT.** Section 40-09-04 of the 1997 Supplement to the North  
2 Dakota Century Code is amended and reenacted as follows:

3           **40-09-04. Commissioners - Terms - Resignations.** Each commissioner and the  
4 president of the board of city commissioners shall hold office for four years after the date of  
5 election and until a successor has been duly elected and qualified.—~~The commission shall~~  
6 ~~establish by ordinance a procedure whereby one-half of all commissioners, as nearly as~~  
7 ~~practicable, are elected biennially, except that when the first board of city commissioners is~~  
8 elected, the president of the board and the two commissioners receiving the highest number of  
9 votes shall hold office until the fourth Tuesday in June following the second biennial city election  
10 thereafter and the others until the fourth Tuesday in June following the first biennial city election  
11 thereafter. The president or any other member of the board may resign from office by filing a  
12 written resignation with the city auditor, who shall submit the resignation to the board of city  
13 commissioners at its next regular meeting or at a special meeting called for consideration of the  
14 resignation. The resignation is effective upon its acceptance by the board.

15           **SECTION 59. AMENDMENT.** Section 40-10-02 of the 1997 Supplement to the North  
16 Dakota Century Code is amended and reenacted as follows:

17           **40-10-02. Vote required to adopt plan - Effective date.** If a majority four-sevenths of  
18 the votes cast on the question at the election ~~favours~~ favor the adoption of the city manager plan,  
19 the governing body shall declare the plan adopted, and shall fix the date when the plan  
20 becomes effective. The date must be after the first regular meeting of the governing body in the  
21 month of July following the election.

22           **SECTION 60. AMENDMENT.** Section 40-12-01 of the 1997 Supplement to the North  
23 Dakota Century Code is amended and reenacted as follows:

24           **40-12-01. Initiative and referendum apply only in commission and modern council**  
25 **cities.** The provisions of this chapter relative to the initiating and referring of municipal  
26 ordinances ~~shall~~ apply only in cities operating under the commission and modern council  
27 system of government, except those cities adopting the eleven-member council.

28           **SECTION 61. AMENDMENT.** Section 40-14-04 of the 1997 Supplement to the North  
29 Dakota Century Code is amended and reenacted as follows:

30           **40-14-04. Appointive officers in council cities - Appointment of more than one**  
31 **assessor.**

- 1           1. The mayor, with the approval of the city council, shall appoint the following officers:
  - 2           a. A city auditor;
  - 3           b. A city assessor;
  - 4           c. A city attorney;
  - 5           d. A city engineer; and
  - 6           e. ~~Such other~~ Other officers as the city council deems necessary and expedient.
- 7           2. The city assessor ~~shall~~ must be appointed at the first meeting of the city council in  
8           September of each odd-numbered year. If the city council of a city containing at  
9           least five thousand ~~or more inhabitants shall declare~~ residents declares, by  
10          resolution, that it is necessary to appoint more than one assessor, the mayor, with  
11          the approval of the council, may appoint one or two additional city assessors.
- 12          ~~3. The city council, including a city council under the modern council form of~~  
13          ~~government, by a majority vote may dispense with any appointive office and~~  
14          ~~provide that the duties of that office be performed by other officers.~~

15           **SECTION 62. AMENDMENT.** Section 40-49-05 of the 1997 Supplement to the North  
16   Dakota Century Code is amended and reenacted as follows:

17           **40-49-05. Board of park commissioners in city - Terms.**

- 18          1. The powers of a park district in a city must be exercised by a board of park  
19          commissioners consisting of five ~~or three members, as determined by the~~  
20          ~~governing body of the city in creating the park district or pursuant to sections~~  
21          ~~40-49-07.1 and 40-49-07.2.~~ Except as provided in subsection 2, each  
22          commissioner shall hold office for a term of four years and until a successor is  
23          elected and qualified. The term of office of a commissioner begins two weeks after  
24          the regular biennial city election at which the commissioner is elected.
- 25          2. Members of a newly created ~~five-member~~ board shall hold office as follows:
  - 26          a. Three members until two weeks after the next regular biennial city election.
  - 27          b. Two members until two years from the time mentioned in subdivision a.
- 28          3. Members of boards of park commissioners which existed before July 1, 1987, shall  
29          hold office on the staggered basis in effect on June 30, 1986.
- 30          ~~4. Members of a newly created three-member board shall hold office as follows:~~
  - 31          a. ~~Two members until two weeks after the next regular biennial city election.~~

1            ~~b. One member until two years after the next regular biennial city election.~~

2            **SECTION 63.** A new section to chapter 54-40 of the North Dakota Century Code is  
3 created and enacted as follows:

4            **Effect of other statutes.**

5            1. Neither this chapter nor any other law limits the general authority of a political  
6 subdivision to enter agreements pursuant to article VII, section 10, of the  
7 Constitution of North Dakota, except for specific limitations on that authority, and  
8 subject to specific procedural requirements, imposed by this chapter, any other  
9 law, or home rule charter.

10           2. This chapter does not dispense with procedural requirements of any other statute  
11 providing for the joint or cooperative exercise of any governmental power.

12           **SECTION 64. AMENDMENT.** Section 54-40-08 of the 1997 Supplement to the North  
13 Dakota Century Code is amended and reenacted as follows:

14           ~~**54-40-08. Agreements for the use by political subdivisions of buildings and**~~  
15 ~~**facilities of the state**~~ **Joint functions - Participation.**

16           1. Any political subdivision of this state, upon approval of its respective governing  
17 body, may enter agreements with another political subdivision for joint or  
18 cooperative action, on a cost-sharing basis, or otherwise, to carry out any function  
19 or duty authorized by law or assigned to one or more of them, and to expend funds  
20 of the political subdivision pursuant to the agreement, to use unexpended balances  
21 of their respective current funds, to enter lease option to buy and contract for deed  
22 agreements between themselves and with private parties, and to accumulate funds  
23 from year to year for the provision of services and facilities, and to otherwise share  
24 or contribute property in accordance with the agreement in jointly and cooperatively  
25 carrying out that function or duty.

26           2. ~~Any county, city, township, city park district, school district, or other~~ political  
27 subdivision of this state may enter ~~into~~ an agreement in the manner provided in  
28 subsection 1 with any agency, board, or institution of the state for the use of  
29 buildings and facilities under the control of that state agency, board, or institution  
30 for a period of time as the parties may determine to be necessary. Before an  
31 agreement pursuant to this section is effective, the respective governing body or

1 officer of the state agency, board, or institution must approve the agreement and  
2 the attorney general must determine that the agreement is legally sufficient.  
3 ~~2.~~ 3. The political subdivision, pursuant to an agreement for the use of buildings and  
4 facilities, may make improvements to the buildings or facilities instead of any rental  
5 or other payments, but all improvements must first be approved by the governing  
6 body or officer of the state agency, board, or institution. The buildings and facilities  
7 may be moved or replaced at any time during the term of an agreement, and the  
8 political subdivision may use the buildings and facilities constructed in place of the  
9 original buildings and facilities for the remainder of the term of the agreement.

10 **SECTION 65. AMENDMENT.** Section 54-44.4-02 of the 1997 Supplement to the North  
11 Dakota Century Code is amended and reenacted as follows:

12 **54-44.4-02. Office of management and budget purchasing services.** The office of  
13 management and budget shall purchase or lease or otherwise arrange for the procurement, for  
14 all state agencies and institutions in the executive branch of state government, all materials,  
15 furniture, fixtures, printing, insurance, and other commodities, except the following:

- 16 1. Land, buildings, space, or the rental thereof.
- 17 2. Telephone and telegraph service, and electrical light and power services.
- 18 3. Public books, maps, periodicals, and technical pamphlets.
- 19 4. Department of transportation materials, equipment, and supplies in accordance  
20 with the provisions of chapters 24-02 and 24-03.
- 21 5. Professional services pursuant to written contract.
- 22 6. Services for the maintenance or servicing of equipment by the manufacturer or  
23 authorized servicing agent of that equipment where the maintenance or servicing  
24 can best be performed by the manufacturer or authorized service agent, or where  
25 such a contract would otherwise be advantageous to the state.
- 26 7. Emergency purchases the office of management and budget cannot make within  
27 the required time and which involve public health or public safety, or where  
28 immediate expenditures are necessary for repairs of state property to protect it  
29 against further loss or damage, or to prevent or minimize serious disruption in state  
30 services.

1           8.    Such specific items or items costing less than a specified amount as determined  
2                    and indicated by written directive by the director of the office of management and  
3                    budget.

4    The office of management and budget shall purchase items as requested by agencies and  
5    institutions under the jurisdiction of the state board of higher education and the legislative and  
6    judicial branches of state government. The agencies and institutions under the jurisdiction of  
7    the state board of higher education, with the office of management and budget, shall make such  
8    joint purchases of like items of high common usage as determined jointly by the agencies and  
9    institutions under the jurisdiction of the state board of higher education and the office of  
10   management and budget as will result in less cost to the state. The office of management and  
11   budget, pursuant to terms and conditions imposed by it, may agree with political subdivisions  
12   that have organized a purchasing group pursuant to a joint powers agreement otherwise  
13   authorized under ~~chapter 54-40.3~~ law to cooperatively purchase certain specific items  
14   designated by the office of management and budget if the cooperative purchase will result in a  
15   benefit to the state and to the political subdivisions participating in the joint powers agreement.

16           **SECTION 66. REPEAL.** Sections 11-05-09.1, 11-05-09.2, 11-06-03.1, and  
17   11-09.1-04.1, and chapters 11-10.2 and 11-10.3 of the North Dakota Century Code, sections  
18   40-05.1-05.1, 40-06-09, 40-49-07.1, and 40-49-07.2 and chapters 40-01.1, 40-49.1, 54-40.3,  
19   54-40.4, and 54-40.5 of the 1997 Supplement to the North Dakota Century Code, and section 1  
20   of chapter 401 of the 1993 Session Laws are repealed.

21           **SECTION 67. APPLICABILITY.** The validity of any restructuring of local governments  
22   or of any agreement entered by a political subdivision pursuant to chapter 401 of the 1993  
23   Session Laws between August 1, 1993, and the effective date of this Act is not affected by this  
24   Act. A local government that was restructured pursuant to chapter 401 of the 1993 Session  
25   Laws may continue to operate in the manner and in the form it operated before the effective  
26   date of this Act.