

February 3, 2005

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1438

Page 1, line 1, replace "section" with "sections" and after "11-10.2-03" insert "and 40-01.1-02"

Page 1, remove line 2

Page 1, line 3, remove "Dakota Century Code,"

Page 1, line 16, remove the overstrike over "~~The analysis may be performed as part of a study process initiated pursuant to~~"

Page 1, remove the overstrike over line 17

Page 1, line 18, remove the overstrike over "~~3.~~"

Page 2, line 14, remove the overstrike over "~~4.~~" and remove "3."

Page 2, replace lines 27 and 28 with:

"SECTION 2. AMENDMENT. Section 40-01.1-02 of the North Dakota Century Code is amended and reenacted as follows:

40-01.1-02. Local advisory study committee.

1. The governing body or electors of a county, city, city park district, township, school district, or any other political subdivision of this state may establish an advisory committee to study the existing form and powers of that political subdivision for comparison with other forms and powers available under the laws of this state. A local advisory study committee is established:
 - a. By a majority vote of the governing body; or
 - b. By a petition signed by ten percent or more of the total number of qualified electors of the political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing body.
2. Notwithstanding subsection 1, ~~an election on~~ the question of establishing a five-member advisory study committee for a county or city must be ~~held at the next regular election in the county or city~~ placed on the agenda of a regular meeting for definitive action by the governing body if five years have elapsed since the latter of:
 - a. ~~August 1, 1993;~~
 - ~~b.~~ The date of the most recent ~~election held~~ governing board action on the question of establishing an advisory study committee pursuant to this subsection; or
 - ~~e.~~ b. The date of issue of a written report prepared for a comprehensive study and analysis of the cooperative and restructuring options

available to the county or city conducted by the governing body, an advisory study committee established pursuant to this section, a home rule charter commission, or through another study process for which a written report was prepared.

- ~~3.~~ ~~The question of establishing an advisory study committee pursuant to subsection 2 requires an affirmative vote of a majority of those voting on the question for passage.~~
- ~~4.~~ The governing body shall appoint the members of the advisory study committee and set the duration of the committee. The members are not entitled to receive compensation, but may receive actual and necessary expenses incurred in the performance of official duties as determined by the governing body.
- ~~5.~~ 4. The governing body may provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
 - a. Employ and fix the compensation and duties of necessary staff;
 - b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
 - c. Establish advisory subcommittees that may include persons who are not members of the study committee;
 - d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations;
 - e. Cooperate with a like committee established pursuant to this section by another political subdivision in the conduct of the study. A cooperative study does not preclude a study committee from making separate recommendations to the governing body; and
 - f. Do any other act consistent with and reasonably required to perform its advisory function."

Renumber accordingly