

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1438

Introduced by

Representatives Wald, Carlson, Damschen, Sitte

Senators Christmann, Mutch

1 A BILL for an Act to amend and reenact section 11-10.2-03 of the North Dakota Century Code,
2 relating to local governance option advisory studies; and to repeal chapter 40-01.1 of the North
3 Dakota Century Code, relating to local governance option advisory studies.

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

5 **SECTION 1. AMENDMENT.** Section 11-10.2-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-10.2-03. Analysis required - Contents of plan - Limitations.**

- 8 1. A proposed plan for combining or separating county elective offices, or
9 redesignating a county office as elective or appointive, must be based on an
10 analysis of each affected office, which may include an analysis of:
 - 11 a. The existing office organization, functions, and procedures established for
12 providing governmental services;
 - 13 b. The proposed office organization, functions, and procedures; and
 - 14 c. How the proposal may improve the effectiveness and efficiency of county
15 government and its responsiveness and accountability to local citizens.
- 16 ~~2. The analysis may be performed as part of a study process initiated pursuant to~~
17 ~~chapter 40-01.1.~~
- 18 ~~3.~~ A proposed plan for combining or separating county elective offices, or
19 redesignating a county office as elective or appointive, may include provision for:
 - 20 a. The selection, powers, duties, functions, qualifications and training, terms,
21 and compensation of the affected county offices, notwithstanding any other
22 law;
 - 23 b. Selection, transfer, reassignment, or termination of personnel associated with
24 each affected office;

- 1 c. The election or appointment of a county manager, notwithstanding the
2 provisions of chapter 11-09;
- 3 d. Transition in implementation of the plan, including elements that consider the
4 reasonable expectations of current officeholders such as delayed effective
5 dates for implementation at the end of a current term or a future term, upon
6 the occurrence of a vacancy, or on a date certain;
- 7 e. The limited application or temporary implementation of the plan, including
8 provisions that permit implementation on an experimental or pilot basis such
9 as the expiration of the plan on a date certain in the future, required
10 reappraisal of the plan by the electors at a future date, or a phased-in
11 implementation of different components of the plan; and
- 12 f. Any other provision deemed necessary for combining or separating the
13 offices or redesignating an office as elective or appointive.
- 14 ~~4.~~ 3. A plan may not propose to diminish the term of office for which a current county
15 officer was elected, redesignate that elected office during that term as appointed,
16 or reduce the salary of the office for that term. The plan may not diminish the
17 general responsibility of county government to perform any function or provide any
18 service that is required by law to be performed or provided by county government.
- 19 ~~5.~~ ~~A proposed plan may not diminish the future term of office, or redesignate an~~
20 ~~elected office as appointed, with respect to any person who, on August 1, 1993,~~
21 ~~holds an elected county office and continues to hold that specific office for future~~
22 ~~terms on an uninterrupted basis. This subsection does not apply after January 1,~~
23 ~~2002, or if the person holding the affected office consents in writing to the~~
24 ~~proposed plan and submits that written document prior to the scheduled~~
25 ~~implementation of the plan to a district judge serving the judicial district in which~~
26 ~~the county is located.~~

27 **SECTION 2. REPEAL.** Chapter 40-01.1 of the North Dakota Century Code is
28 repealed.