

**HOUSE BILL NO. 1150**

Introduced by

Representative Kretschmar

1 A BILL for an Act to amend and reenact sections 11-10.2-01 and 11-10.2-02 of the North  
2 Dakota Century Code, relating to elections to approve county officer combination, separation, or  
3 redesignation plans.

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

5 **SECTION 1. AMENDMENT.** Section 11-10.2-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **11-10.2-01. County officer combination, separation, and redesignation options.**

8 1. A Upon approval by the electors of the county at a primary or general election, a  
9 county ~~may~~, without requiring local citizens to permit county home rule powers,  
10 may:

11 a. Combine any elective county office with one or more functionally related  
12 elective or appointive county offices;

13 b. Separate an elective county office into two or more elective or appointive  
14 offices; or

15 c. Redesignate an elective county office as an appointive office or an appointive  
16 office as an elective office.

17 2. A combination or separation of any elected or appointed county office may include  
18 the reassignment of any statutory function of that office or service provided by that  
19 office, but may not diminish the general responsibility of county government to  
20 perform any function or provide any service that is required by law to be performed  
21 or provided by county government.

22 3. This option is available in addition to, or in lieu of, other county structural options  
23 authorized under this title, unless a specific mandate for combining or separating

particular county offices is otherwise provided by law. ~~The office of county judge is excluded from the application of this chapter.~~

**SECTION 2. AMENDMENT.** Section 11-10.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**11-10.2-02. Methods of accomplishing office combination, separation, or redesignation of elective or appointive status.** The combination or separation of elective county offices, or redesignation of a county office as elective or appointive, may be accomplished:

1. By resolution of the board of county commissioners, ~~subject to the right of referendum in the county electors.~~ The board of county commissioners may by a majority vote adopt a preliminary resolution incorporating a proposed plan for combining or separating county offices, or redesignating a county office as elective or appointive. The board shall cause the complete text of the proposed plan to be published in the official newspaper of the county, at least once during two different weeks within the thirty-day period immediately following the adoption of the preliminary resolution. The board of county commissioners shall hold public hearings and community forums or use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the purpose, conclusions, and recommendations of the plan. Within two years after the adoption of the preliminary resolution, the board of county commissioners may by final resolution approve the plan or amend the plan and approve it for implementation according to its terms. The final resolution ~~may~~ must be ~~referred to the qualified electors of the county by a petition protesting the plan. The petition must be signed by ten percent or more of the total number of qualified electors of the county voting for governor at the most recent gubernatorial election, and filed with the county auditor, or functional equivalent of that office, before four p.m. on the thirtieth day after the final resolution is adopted. Within ten days after the filing of the petition, the county auditor shall examine the petition and ascertain from the voter list whether the petition contains the signatures of a sufficient number of qualified electors. Any insufficiencies may be cured by the filing of an amended petition within ten days after the county auditor declares the insufficiency. The final~~

1           ~~resolution is suspended upon a determination by the county auditor that the~~  
2           ~~petition was timely filed and contains the signatures of a sufficient number of~~  
3           ~~qualified electors. The board of county commissioners shall reconsider the~~  
4           ~~referred resolution, and if it does not repeal the resolution in its entirety, shall~~  
5           ~~submit the resolution~~ submitted to a vote of the qualified electors of the county at  
6           the next regular election. The county auditor shall cause the complete text of the  
7           resolution to be published in the official newspaper of the county, not less than two  
8           weeks nor more than thirty days, before the date of the election. If a majority of the  
9           qualified electors voting approves the resolution, the plan incorporated in the  
10          resolution is effective and becomes operative according to its terms ~~as if it had not~~  
11          ~~been suspended.~~

- 12          2. By initiative of county electors. A petition signed by ten percent or more of the total  
13          number of qualified electors of the county voting for governor at the most recent  
14          gubernatorial election may be submitted to the board of county commissioners,  
15          calling upon the board to submit to the electors the question of adopting a plan  
16          described in, or annexed to, the petition. The county auditor, or the functional  
17          equivalent of that officer, shall examine the petition and ascertain from the voter list  
18          whether or not the petition contains the signatures of a sufficient number of  
19          qualified electors. Any insufficiencies may be cured by the filing of an amended  
20          petition within thirty days after the county auditor declares the insufficiency. When  
21          a plan for the combination or separation of county offices or redesignation of  
22          county offices as elective or appointive is proposed pursuant to this subsection, the  
23          board of county commissioners shall submit the proposed plan to a vote of the  
24          qualified electors of the county at a primary or general election not less than sixty  
25          days nor more than two years, as specified in the petition, after determining that  
26          the petition is sufficient. The question on the ballot at the election must be framed  
27          in a manner that fairly and accurately describes the substance of the proposed  
28          plan. The board shall cause the complete text of the proposed plan to be  
29          published in the official newspaper of the county, at least once during two different  
30          weeks within the thirty-day period immediately preceding the date of the election.  
31          The board of county commissioners may, prior to the election, hold public hearings

1                   and community forums and use other suitable means to disseminate information,  
2                   receive suggestions and comments, and encourage public discussion of the  
3                   purpose, conclusions, and recommendations of the plan. If a majority of the  
4                   qualified electors voting on the proposed plan approves the question of its  
5                   adoption, the plan is effective according to its terms.