

February 7, 1997

PROPOSED AMENDMENTS TO SENATE BILL NO. 2152

Page 1, line 1, after "sections" insert "11-08-05, 11-08-07, 11-08-08, 11-08-09, 11-08-10, 11-08-13, 11-08-15, 11-09-18," after the first comma insert "subsection 3 of section 11-09.1-05, section", and remove the second "and"

Page 1, line 2, after "11-10.2-01" insert ", and section 11-15-01.1" and replace "combination, separation," with "election of sheriffs and state's attorneys."

Page 1, remove lines 3 through 5

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 11-08-05 of the North Dakota Century Code is amended and reenacted as follows:

11-08-05. Vote required - Effective date - Procedure for discontinuance. If a majority of the votes cast on the question of the adoption of the county consolidated form of government are in favor of that form, it becomes effective on the first day of January next succeeding the election. All elected officers whose offices become appointive under this chapter shall continue in office until their successors are appointed pursuant to the provisions of this chapter. The question of the discontinuance of the county consolidated office form of government may be submitted to the electors at the next primary election through the same procedures set forth in this chapter for adopting that form of government. On the first day of January following a vote to discontinue, the county reverts to the form of government of the county immediately preceding adoption of the consolidated office form of government, with all offices made appointive under this chapter subject to election at the last preceding general election, or to another optional form of county government adopted by the electors as provided by law.

SECTION 2. AMENDMENT. Section 11-08-07 of the North Dakota Century Code is amended and reenacted as follows:

11-08-07. Appointive officers - County commissioners, sheriff, and state's attorney elected - Terms of office - How vacancy filled. The board of county commissioners shall appoint each county officer mentioned in section 11-08-06, except the members of the board of county commissioners, who must be elected in the manner provided in section 11-11-02, and the sheriff and the state's attorney, who must be elected as provided in section 11-10-02. Each county officer shall hold office for a term of four years, except as otherwise provided in this chapter, and until the officer's successor is duly appointed and qualified. The board of county commissioners shall fill any vacancy resulting from any cause.

SECTION 3. AMENDMENT. Section 11-08-08 of the North Dakota Century Code is amended and reenacted as follows:

11-08-08. When appointment of officers made - Qualification. The county officers to be appointed must be appointed by the board of county commissioners at the following times in the year in which the county consolidated office form of government goes into effect:

1. On or before the fifteenth day of January, the ~~sheriff, state's attorney, and~~ coroner must be appointed; and ~~such officers shall~~ must qualify within ten days thereafter.
2. Not less than ten days prior to April first, the county auditor must be appointed, and the appointee qualify within ten days thereafter.
3. Not less than ten days prior to May first, the county treasurer must be appointed, and the appointee shall qualify within ten days thereafter.

Thereafter, the appointments must be made within ten days prior to the expiration of the terms of office of the officers. The failure of the board of county commissioners to make any appointment within the time prescribed does not impair its power to make the appointment subsequently for the remainder of the term of office of the officer so appointed.

SECTION 4. AMENDMENT. Section 11-08-09 of the North Dakota Century Code is amended and reenacted as follows:

11-08-09. Compensation of officers. Each member of the board of county commissioners and each other county officer appointed by such board or elected shall receive as compensation for services the salary prescribed by law for such officer, except that the county auditor shall receive a salary not exceeding three thousand dollars per annum and the county treasurer shall receive a salary not exceeding the amount provided by law for the office of county treasurer, to be fixed by the board of county commissioners.

SECTION 5. AMENDMENT. Section 11-08-10 of the North Dakota Century Code is amended and reenacted as follows:

11-08-10. ~~Board may appoint officers~~ Sheriff or state's attorney of adjoining county may run for election - Term of office - Compensation. ~~The board of county commissioners may appoint the sheriff or the state's attorney, or both, of an adjoining county to act as the sheriff or state's attorney of its county~~ may run for election in a county that has adopted the county consolidated office form of government. Any such officer of an adjoining county so ~~appointed~~ elected shall serve for a term of ~~two~~ four years and until that officer's successor is ~~appointed~~ elected and qualified. An officer ~~appointed~~ elected under this section is eligible to serve in such dual capacity and shall receive, in addition to the salary as an officer of the county of residence, a sum not exceeding one-half of such salary, to be fixed by the board of county commissioners. The additional salary shall be paid by the county in the same manner as other county officers are paid.

SECTION 6. AMENDMENT. Section 11-08-13 of the North Dakota Century Code is amended and reenacted as follows:

11-08-13. Powers and duties of other officers. The sheriff, state's attorney, and coroner elected or appointed under this chapter shall perform the duties and exercise the powers conferred by law upon them.

SECTION 7. AMENDMENT. Section 11-08-15 of the North Dakota Century Code is amended and reenacted as follows:

11-08-15. Removal of officers. Any county officer appointed by the board of county commissioners or elected under the provisions of this chapter may be suspended or removed by the governor or by judicial proceedings in the manner provided by law.

SECTION 8. AMENDMENT. Section 11-09-18 of the North Dakota Century Code is amended and reenacted as follows:

11-09-18. State's attorney to be elected - ~~Appointment~~ - Powers - Duties.

~~The county manager~~ state's attorney of a county adopting any form of county managership, ~~with the approval of the board of county commissioners, may appoint a~~ must be elected. The state's attorney ~~to~~ shall serve as legal adviser to the board of county commissioners and to the county manager, ~~to~~ act as counsel for the county in any suit instituted by or against it, and ~~to~~ perform such other duties as may be prescribed by the board of county commissioners or which are imposed on state's attorneys by general statute. ~~In a county adopting a short form of county managership, the county manager, with the approval of the board of county commissioners, from time to time or on an annual basis, may appoint the~~ The state's attorney of an adjoining county ~~to perform such duties as are required of a state's attorney~~ may run for election in a county which has adopted a short form of county managership. The compensation of the state's attorney of an adjoining county shall be that agreed upon by the person so ~~appointed~~ elected, the county manager, and the boards of county commissioners of the two counties affected."

Page 1, replace lines 9 through 19 with:

"11-09-19. Sheriff - Election - ~~Appointment~~ - Duties - Powers. The sheriff of a county adopting a any form of county manager form of government shall managership must be elected in the manner prescribed by general statutes and shall perform the duties and be subject to the restrictions contained in the general statutes. ~~In a county adopting a short form of county managership, the county manager shall, with the approval of the board of county commissioners, appoint one or more police officers who shall perform all police duties imposed on the sheriff by general statutes. All other duties imposed on the sheriff shall be performed by or under the direction of the county manager. The county manager, from time to time or on an annual basis, may contract with an adjoining county and its sheriff to obtain the services of such sheriff, and the~~ of an adjoining county may run for election in a county which has adopted a short form of county managership. The compensation of ~~such officer shall be such as shall be~~ the sheriff of an adjoining county is that agreed upon by the sheriff, the county manager, and the boards of county commissioners of the counties affected."

Page 1, after line 19, insert:

"SECTION 10. AMENDMENT. Subsection 3 of section 11-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Provide for county elected and appointed officers and employees, their selection, powers, duties, qualifications, and compensation, and the terms of county appointed officers and employees. However, after adoption of a home rule charter a county elected office may not be eliminated or combined with another office except upon approval of a majority of the electors of the county voting upon the question at a primary or general election or pursuant to the county officer combination, separation, or redesignation procedures of chapter 11-10.2. A home rule charter may not diminish the term of office for which a current county officer was elected, redesignate that elected office during that term as appointed, or reduce the salary of the office for that term. This subsection does not authorize a county to redesignate the elected offices of sheriff and state's attorney as appointive offices."

Page 2, remove line 14

Page 2, line 15, remove "section 11-08-10"

Page 3, after line 9, insert:

"SECTION 13. AMENDMENT. Section 11-15-01.1 of the North Dakota Century Code is amended and reenacted as follows:

11-15-01.1. Sheriff must be qualified elector and shall receive required training - Exception. Except as otherwise specifically provided by state law, the sheriff must be a qualified elector in the county in which the sheriff is elected ~~or appointed~~. Within one year after taking office, the sheriff shall attend the sheriffs' school on civil process for one week, and unless already licensed under sections 12-63-01 through 12-63-14, shall begin the training necessary to become so licensed. Within two years after taking office, the sheriff shall complete the procedures required to be licensed under sections 12-63-01 through 12-63-14."

Page 3, remove lines 10 and 11

Renumber accordingly