

**HOUSE BILL NO. 1346**

Introduced by

Representatives Kretschmar, Kilichowski

Senators Anderson, Nodland

1 A BILL for an Act to amend and reenact section 40-01.1-02 of the North Dakota Century Code,  
2 relating to the placement of a question on the ballot to establish a local advisory study  
3 committee.

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

5 **SECTION 1. AMENDMENT.** Section 40-01.1-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **40-01.1-02. Local advisory study committee.**

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

- 1 ~~city conducted by the governing body, an advisory study committee~~  
2 ~~established pursuant to this section, a home rule charter commission, or~~  
3 ~~through another study process for which a written report was prepared.~~
- 4 ~~3.~~ ~~The question of establishing an advisory study committee pursuant to subsection 2~~  
5 ~~requires an affirmative vote of a majority of those voting on the question for~~  
6 ~~passage.~~
- 7 4. 2. The governing body shall appoint the members of the advisory study committee  
8 and set the duration of the committee. The members are not entitled to receive  
9 compensation, but may receive actual and necessary expenses incurred in the  
10 performance of official duties as determined by the governing body.
- 11 ~~5.~~ 3. The governing body may provide office and meeting space and legal, clerical,  
12 facilitation, training, and other assistance to the study committee, and may  
13 appropriate funds in its final budget, or expend any unexpended balances in its  
14 general fund otherwise designated for current expenditure, for the necessary  
15 expenses of the advisory study committee. The committee, with the approval of  
16 the governing body, may:
- 17 a. Employ and fix the compensation and duties of necessary staff;  
18 b. Contract and cooperate with other individuals and public or private agencies  
19 considered necessary for assistance, including institutions of higher  
20 education;  
21 c. Establish advisory subcommittees that may include persons who are not  
22 members of the study committee;  
23 d. Hold public hearings and community forums and use other suitable means to  
24 disseminate information, receive suggestions and comments, and encourage  
25 public discussion of the committee's purpose, progress, conclusions, and  
26 recommendations;  
27 e. Cooperate with a like committee established pursuant to this section by  
28 another political subdivision in the conduct of the study. A cooperative study  
29 does not preclude a study committee from making separate recommendations  
30 to the governing body; and

Sixty-first  
Legislative Assembly

- 1                    f.    Do any other act consistent with and reasonably required to perform its
- 2                           advisory function.