

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1165

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 40-47-06 and 40-48-03 of the North Dakota Century Code, relating to members of the planning and zoning commissions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-47-06 of the North Dakota Century Code is amended and reenacted as follows:

40-47-06. Zoning commission - Appointment - Duties - Preliminary and final report.

1. The governing body of a city desiring to avail itself of the powers conferred by this chapter shall appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. In addition to the members appointed by the city, the zoning commission ~~shall~~must include at least one ~~person~~member residing outside of the corporate limits of a city having a population of less than five thousand, two ~~persons~~members residing outside the corporate limits of a city having a population of five thousand or more, but less than twenty-five thousand, or three ~~persons~~members residing outside the corporate limits of a city having a population of twenty-five thousand or more if zoning authority is exercised pursuant to section 40-47-01.1. ~~Such persons shall be appointed by the board or boards of county commissioners of~~The members residing outside the corporate limits must be chosen at a general election by the qualified electors residing outside the corporate limits of the city but within the county or counties within which such the zoning authority is to be exercised ~~and shall reside within the territorial limits of the zoning regulation authority exercised by the city, if such persons are available and will serve on the zoning commission.~~
2. Of the members of the commission appointed by a board or boards of county commissioners pursuant to this section, the first member appointed shall hold office for five years, the second member appointed shall hold office for three years, and the third member appointed shall hold office for one year. Thereafter, the ~~appointed~~members shall~~must~~ be appointed for terms of five years and the elected member shall serve a term of four years. ~~Such~~The commission shall make a preliminary report and hold public hearings ~~thereon~~on the report before submitting its final report. The governing body ~~shall~~may not hold its public hearings or take action until it has received the final report of the zoning commission. ~~If a city has a planning commission, it may be appointed as the zoning commission.~~

SECTION 2. AMENDMENT. Section 40-48-03 of the North Dakota Century Code is amended and reenacted as follows:

40-48-03. Planning commission - Creation - Members - Ex officio members.

1. The governing body of any city may create, by ordinance, a planning commission to consist of not more than ten members to be appointed by the executive officer of the city with the approval of its governing body. In addition to the members appointed by the city, the planning commission ~~shall~~must include at least one ~~person~~member residing outside of the corporate limits of a city having a population of less than five thousand, two ~~persons~~members residing outside the corporate limits of a city having a population of five thousand or more, but less than twenty-five thousand, or three ~~persons~~members residing outside the corporate limits of a city having a population of twenty-five thousand or more if zoning authority is exercised pursuant to section 40-47-01.1. ~~Such persons shall be appointed by the board or boards of county commissioners of~~The members residing outside the corporate limits must be chosen at a general election by the qualified electors residing outside the corporate limits of the city but within the county or counties within which such~~the~~ subdivision authority is to be exercised ~~and shall reside within the territorial limits of the subdivision regulation authority exercised by the city, if such persons are available and will serve on the planning commission.~~
2. Of the members of the commission appointed by a board or boards of county commissioners pursuant to this section, the first member appointed shall hold office for five years, the second member appointed shall hold office for three years, and the third member appointed shall hold office for one year. Thereafter, the appointed members ~~shall~~must be appointed for terms of five years and the elected members shall serve a term of four years. The executive officer, the engineer, and the attorney of the city ~~shall~~bear ex officio members of the commission."

Renumber accordingly