

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 reside within the territorial limits of the zoning regulation authority exercised by the city pursuant to section 40-47-01.1 and 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 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~~territorial limits of the zoning regulation authority exercised by the city pursuant to section 40-47-01.1. If a vacancy of a member residing outside the corporate limits exists, the board or boards of county commissioners shall appoint an individual residing outside the corporate limits but within the territorial limits of the zoning regulation authority exercised by the city pursuant to section 40-47-01.1 to serve on the zoning commission until the position may be filled in the next general election.~~
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 reside within the territorial limits of the zoning regulation authority exercised by the city pursuant to section 40-47-01.1 and 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 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 territorial limits of the zoning regulation authority exercised by the city pursuant to section 40-47-01.1. If a vacancy of a member residing outside the corporate limits exists, the board or boards of county commissioners shall appoint an individual residing outside the corporate limits but within the territorial limits of the zoning regulation authority exercised by the city pursuant to section 40-47-01.1 to serve on the planning commission until the position may be filled in the next general election.
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~~ be are ex officio members of the commission."

Renumber accordingly

HOUSE BILL NO. 1165

Introduced by

Representatives Kading, Bellew, Heinert

Senator Kannianen

1 A BILL ~~for an Act to amend and reenact section 40-21-01 of the North Dakota Century Code,~~
 2 ~~relating to qualified electors in city elections.~~for an Act to amend and reenact sections 40-47-06
 3 and 40-48-03 of the North Dakota Century Code, relating to members of the planning and
 4 zoning commissions.

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

6 ~~— **SECTION 1. AMENDMENT.** Section 40-21-01 of the North Dakota Century Code is~~
 7 ~~amended and reenacted as follows:~~

8 ~~— **40-21-01. Qualified electors in municipality election - Restrictions.**~~

9 ~~— 1. Every resident of a municipality and any resident of the extraterritorial zoning~~
 10 ~~jurisdiction of the city who is qualified to vote therein at general elections may vote at~~
 11 ~~all municipality elections held therein. When by that city.~~

12 ~~— 2. Except as provided in subsection 3, when elections are held by wards or precincts, a~~
 13 ~~personan individual may not vote in any place other than the ward or precinct of which~~
 14 ~~the personindividual is a resident.~~

15 ~~— 3. An individual who is a resident of the extraterritorial zoning jurisdiction of the city is~~
 16 ~~entitled to vote in the ward or precinct to which that area of the jurisdiction has been~~
 17 ~~designated to vote by the governing body of the city.~~

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

20 **40-47-06. Zoning commission - Appointment - Duties - Preliminary and final report.**

21 1. The governing body of a city desiring to avail itself of the powers conferred by this
 22 chapter shall appoint a commission, to be known as the zoning commission, to
 23 recommend the boundaries of the various original districts and appropriate regulations
 24 to be enforced therein. In addition to the members appointed by the city, the zoning

1 commission ~~shall~~must include at least one ~~person~~member residing outside of the
2 corporate limits of a city having a population of less than five thousand, two
3 ~~persons~~members residing outside the corporate limits of a city having a population of
4 five thousand or more, but less than twenty-five thousand, or three ~~persons~~members
5 residing outside the corporate limits of a city having a population of twenty-five
6 thousand or more if zoning authority is exercised pursuant to section 40-47-01.1. ~~Such~~
7 ~~persons shall be appointed by the board or boards of county commissioners of~~The
8 members residing outside the corporate limits must reside within the territorial limits of
9 the zoning regulation authority exercised by the city pursuant to section 40-47-01.1
10 and must be chosen at a general election by the qualified electors residing outside the
11 corporate limits of the city but within the ~~county or counties within which such zoning~~
12 ~~authority is to be exercised and shall reside within the territorial limits of the zoning~~
13 ~~regulation authority exercised by the city, if such persons are available and will serve~~
14 ~~on the zoning commission~~territorial limits of the zoning regulation authority exercised
15 by the city pursuant to section 40-47-01.1. If a vacancy of a member residing outside
16 the corporate limits exists, the board or boards of county commissioners shall appoint
17 an individual residing outside the corporate limits but within the territorial limits of the
18 zoning regulation authority exercised by the city pursuant to section 40-47-01.1 to
19 serve on the zoning commission until the position may be filled in the next general
20 election.

21 2. Of the members of the commission appointed by a board or boards of county
22 commissioners pursuant to this section, the first member appointed shall hold office for
23 five years, the second member appointed shall hold office for three years, and the
24 third member appointed shall hold office for one year. Thereafter, the appointed
25 members ~~shall~~must be appointed for terms of five years and the elected member shall
26 serve a term of four years. ~~Such~~The commission shall make a preliminary report and
27 hold public hearings ~~thereon~~on the report before submitting its final report. The
28 governing body ~~shall~~may not hold its public hearings or take action until it has received
29 the final report of the zoning commission. ~~If a city has a planning commission, it may~~
30 ~~be appointed as the zoning commission.~~

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

3 **40-48-03. Planning commission - Creation - Members - Ex officio members.**

4 1. The governing body of any city may create, by ordinance, a planning commission to
5 consist of not more than ten members to be appointed by the executive officer of the
6 city with the approval of its governing body. In addition to the members appointed by
7 the city, the planning commission ~~shall~~must include at least one ~~person~~member
8 residing outside of the corporate limits of a city having a population of less than five
9 thousand, two ~~persons~~members residing outside the corporate limits of a city having a
10 population of five thousand or more, but less than twenty-five thousand, or three
11 ~~persons~~members residing outside the corporate limits of a city having a population of
12 twenty-five thousand or more if zoning authority is exercised pursuant to section
13 40-47-01.1. ~~Such persons shall be appointed by the board or boards of county~~
14 ~~commissioners of~~The members residing outside the corporate limits must reside within
15 the territorial limits of the zoning regulation authority exercised by the city pursuant to
16 section 40-47-01.1 and must be chosen at a general election by the qualified electors
17 residing outside the corporate limits of the city but within the county or counties within
18 ~~which such subdivision authority is to be exercised and shall reside within the territorial~~
19 ~~limits of the subdivision regulation authority exercised by the city, if such persons are~~
20 ~~available and will serve on the planning commission~~territorial limits of the zoning
21 regulation authority exercised by the city pursuant to section 40-47-01.1. If a vacancy
22 of a member residing outside the corporate limits exists, the board or boards of county
23 commissioners shall appoint an individual residing outside the corporate limits but
24 within the territorial limits of the zoning regulation authority exercised by the city
25 pursuant to section 40-47-01.1 to serve on the planning commission until the position
26 may be filled in the next general election.

27 2. Of the members of the commission appointed by a board or boards of county
28 commissioners pursuant to this section, the first member appointed shall hold office for
29 five years, the second member appointed shall hold office for three years, and the
30 third member appointed shall hold office for one year. Thereafter, the appointed
31 members ~~shall~~must be appointed for terms of five years and the elected members

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of the city ~~shall be~~are ex officio members of the commission.