CHAPTER 11-10.3
MULTISUBDIVISIONS OFFICE COMBINATIONS

11-10.3-01. Multicounty combination of elective offices.

1. A county may combine any county elective office with one or more elective offices of one or more other counties for the purpose of sharing that combined office for the performance of functions and the provision of services among those counties. The procedures set forth in this chapter apply to the combination, unless a specific procedure for combining particular elective county offices is otherwise provided by law.
2. A proposal for combining county elective offices may be accomplished:
   a. By the boards of county commissioners of each affected county by entering into a joint powers agreement incorporating a plan for the office combination, subject to the right of referendum in the electors of each of the counties; or
   b. By initiative of the electors of each affected county. A petition signed by ten percent or more of the total number of qualified electors of each county voting for governor at the most recent gubernatorial election may be submitted to the boards of county commissioners of each county, calling upon the boards to submit to the electors the question of adopting a plan described in, or annexed to, the petition.
3. A joint powers agreement entered into between counties for combining the functions of any county elective office pursuant to subdivision a of subsection 2 may be referred to the qualified electors of an affected county by a petition protesting the agreement. 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 agreement 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 implementation of the terms of the joint powers agreement is suspended upon a determination by the county auditor that the petition was timely filed and contains the signatures of a sufficient number of qualified electors. The board of county commissioners shall reconsider the referred agreement and, if the board does not terminate the agreement in its entirety, shall submit the question to a vote of the qualified electors of the county at the next regular election. The county auditor shall cause the complete text of the agreement to be published in the official newspaper of the county, not less than two weeks nor more than thirty days, before the date of the election. The boards of county commissioners may, prior to the election, hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the purpose and provisions of the plan. If a majority of the qualified electors voting on the question in the county approve the question, the plan incorporated in the agreement is effective and becomes operative according to the terms of the agreement as if the agreement had not been suspended. If the electors of either county do not approve the question, the plan does not become effective.
4. The question of combination of the functions of elective county offices brought by petition pursuant to subdivision b of subsection 2 must be submitted by the boards of county commissioners to the electors in each of the affected counties at a primary or general election not less than sixty days nor more than two years, as specified in the petition, after the petition is determined sufficient by each board. The question on the ballot at the election must be framed in a manner that fairly and accurately describes the substance of the proposed office-sharing arrangement. The board of county commissioners in each affected county shall cause the complete text of the proposed plan for combining offices to be published in the official newspaper of the county, at least once during two different weeks within the thirty-day period immediately

preceding the date of the election. The boards of county commissioners may, prior to the election, hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the purpose and provisions of the plan. If a majority of the qualified electors of each county voting on the question approves of its adoption, the plan is effective according to its terms.

5. One copy of the plan as approved must be filed with the district court for each county and one with each county auditor or functional equivalent to remain as a part of each county's permanent records. The boards of county commissioners may take any action necessary to bring about an orderly transition in implementation of the plan.
6. A plan, or part of a plan, adopted pursuant to this chapter may be revised or terminated through another joint powers agreement or petition submitted pursuant to the procedure set forth in this chapter for adopting a plan, or pursuant to provisions for termination or revision provided in the original joint powers agreement.

11-10.3-02. Contents of plan - Limitations.

1. A joint powers agreement or plan for combining the function of county elective offices may specify:
   a. The offices to be combined;
   b. The selection, powers, duties, functions, qualifications and training, terms, candidate residency requirements notwithstanding section 11-10-04, and compensation of the combined office, and status of the office as elective or appointive;
   c. The manner of apportionment of the costs of the office;
   d. Procedures for the selection, transfer, reassignment, or termination of personnel associated with the affected offices;
   e. Procedures for the transfer of powers, records, documents, and property;
   f. Procedures for termination or modification of the arrangement;
   g. The process for transition in implementing the office combination, including delayed effective dates for implementation at the end of a current term or a future term, upon the occurrence of a vacancy, or on a date certain;
   h. A process for the limited application or temporary implementation of the plan, including provisions that permit implementation on an experimental or pilot basis such as the expiration of the plan on a date certain in the future, require reapproval of the plan by the electors at a future date, or a phased-in implementation of various components of the plan; and
   i. Other provisions pertaining to the combined office that the affected boards of county commissioners deem necessary or advisable.
2. A proposed plan for combining the functions of county elective offices 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. The plan may not diminish any general responsibility of county government to perform any function or provide any service that is required by law to be performed or provided by county government.
3. A proposed plan may not diminish the future term of office, or redesignate an elected office as appointed, with respect to any person who, on August 1, 1993, holds an elected county office and continues to hold that specific office for future terms on an uninterrupted basis. This subsection does not apply after January 1, 2002, or if the person holding the affected office consents in writing to the proposed plan, and files that written document prior to the scheduled implementation of the plan with the district court for each county.

11-10.3-03. Office sharing among political subdivisions.

A proposal for combining appointive offices of two or more counties, appointive offices of a county and another political subdivision, or appointive offices of two or more political subdivisions which are not counties may be implemented through the execution of a joint

powers agreement, unless a specific procedure for combining particular appointive offices is otherwise provided by law. The proposal is not subject to the referendum or election procedures of this chapter. A proposal for combining both elective and appointive offices of two or more counties, between a county and another political subdivision, or between two or more political subdivisions which are not counties, is subject to the referendum procedures of this chapter only in the county or other political subdivision of the elective office.