

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1299

Page 1, line 1, after "11-09.1-06" insert ", 11-10.2-02, 11-10.3-01, 15-27.3-19, 15-27.3-21"

Page 1, line 2, after "15-28-01" insert ", section 15-48-05"

Page 1, line 3, after the first "sections" insert "23-14-01, 23-14-13, 23-14-13.1," after "23-29-07" insert ", 27-19-02, 38-02-02, 40-02-10, 40-02-11, 40-04-04, 40-04-11", and after "40-05.1-07" insert ", 40-10-02, 40-10-08, 40-33-12, 40-38-01, 40-49-07.2, 40-49.1-02, 40-53.1-04, 40-53.2-03"

Page 1, line 4, after "54-40.4-06" insert ", 57-15-08, 57-15-12", after "57-15-12.1" insert ", 57-15-12.3", and after "57-15-14.5" insert ", 57-15-44"

Page 1, line 5, remove "and" and after "57-15-60" insert ", sections 61-04.1-29, 61-04.1-30, and 61-04.1-31"

Page 2, after line 30, insert:

**"SECTION 4. AMENDMENT.** Section 11-10.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**11-10.2-02. Methods of accomplishing office combination, separation, or redesignation of elective or appointive status.** The combination or separation of elective county offices, or redesignation of a county office as elective or appointive, may be accomplished:

1. By resolution of the board of county commissioners, subject to the right of referendum in the county electors. The board of county commissioners may by a majority vote adopt a preliminary resolution incorporating a proposed plan for combining or separating county offices, or redesignating a county office as elective or appointive. The board shall cause the complete text of the proposed plan to be published in the official newspaper of the county, at least once during two different weeks within the thirty-day period immediately following the adoption of the preliminary resolution. The board of county commissioners shall hold public hearings and community forums or use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the purpose, conclusions, and recommendations of the plan. Within two years after the adoption of the preliminary resolution, the board of county commissioners may by final resolution approve the plan or amend the plan and approve it for implementation according to its terms. The final resolution may be referred to the qualified electors of the county by a petition protesting the plan. 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 final resolution 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 final resolution 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 resolution, and if it does not repeal the resolution in its entirety, shall submit the resolution 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 resolution 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. If a majority of the qualified electors voting on the question approves the resolution, the plan incorporated in the resolution is effective and becomes operative according to its terms as if it had not been suspended.

2. By initiative of county electors. A petition 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 may be submitted to the board of county commissioners, calling upon the board to submit to the electors the question of adopting a plan described in, or annexed to, the petition. The county auditor, or the functional equivalent of that officer, shall examine the petition and ascertain from the voter list whether or not 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 thirty days after the county auditor declares the insufficiency. When a plan for the combination or separation of county offices or redesignation of county offices as elective or appointive is proposed pursuant to this subsection, the board of county commissioners shall submit the proposed plan to a vote of the qualified electors of the county at a primary or general election not less than sixty days nor more than two years, as specified in the petition, after determining that the petition is sufficient. The question on the ballot at the election must be framed in a manner that fairly and accurately describes the substance of the proposed plan. The board shall cause the complete text of the proposed plan 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 board 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, conclusions, and recommendations of the plan. If a majority of the qualified electors voting on the ~~proposed plan~~ approves the question approves of its adoption, the plan is effective according to its terms.

**SECTION 5. AMENDMENT.** Section 11-10.3-01 of the North Dakota Century Code is amended and reenacted as follows:

**11-10.3-01. Multicounty combination of elective officers.**

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 ~~disapprove~~ 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 ~~proposed plan~~ proposed plan approves 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.

**SECTION 6. AMENDMENT.** Section 15-27.3-19 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-27.3-19. Changes in reorganization proposal.** At any time after the reorganization proposal has become effective, any provision of the reorganization proposal, including provisions affecting the adjustment of assets and liabilities but excepting provisions defining the boundaries of the district, may be changed by a majority vote of the qualified electors voting on the question without approval of the state board or the county committee. The school board in the reorganized district may, upon its own motion, or shall, upon the filing with it of a petition signed by qualified electors equal in number to twenty percent or more of the persons enumerated in the most recent school district census, unless the census is greater than four thousand, in which case only fifteen percent or more of the number of persons enumerated in the school census is required, submit the question of authorizing a change in the school district's adopted reorganization proposal at the next regular or special election. However, not fewer than twenty-five signatures of qualified electors is required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In districts with fewer than twenty-five qualified electors, the county superintendent for the county in which the school is located shall determine the number of qualified electors in the district. If a majority of all votes cast on the question by the electors residing in the district is in favor of the proposed change, then the proposed change is effected. If a reorganization plan has been in effect for at least ten years, any proposed change to geographic voting areas is effective upon a majority vote in an election at large by the qualified electors of the district voting on the question. A school board in a reorganized school district may change, by resolution, to at large voting for school board candidates if there is a variance of more than ten percent in the population between any of the district's established geographic areas with resident candidates.

**SECTION 7. AMENDMENT.** Section 15-27.3-21 of the North Dakota Century Code is amended and reenacted as follows:

**15-27.3-21. Proportionate tax rate on agricultural property.** Any school district which imposed a proportionate tax rate for school purposes levied on agricultural property different from the school district levy on other taxable property as permitted by sections 15-53.1-37 and 15-53.1-38, as they existed on December 31, 1984, must continue to levy that proportionate tax rate unless it is discontinued by the school board upon a majority of the ~~voters~~ qualified electors of the school district voting on the question. No other school district may impose such a proportionate tax rate for different classes of property within the school district."

Page 4, after line 11, insert:

**"SECTION 10. AMENDMENT.** Section 15-48-05 of the North Dakota Century Code is amended and reenacted as follows:

**15-48-05. Record of proceedings - Certificate filed with county auditor.** A record of the proceedings connected with the submission of the question of increasing the debt limit, the result of the election, and the number of votes cast for and against the proposition, respectively, must be made and preserved in the records of the school district. If a majority of votes cast on the question are in favor of increasing the debt limit, a certificate, signed by the president of the school board and attested by the business manager of the school district, reciting the result of the election and the fact that the limit of indebtedness of said school district has been increased to ten percent of the assessed valuation of the taxable property of said district, and stating the number of votes cast for and against such increase, respectively, must be filed with the county auditor of the county in which said school district is situated, where the said certificates must be preserved and kept on file."

Page 4, after line 16, insert:

**"SECTION 12. AMENDMENT.** Section 23-14-01 of the North Dakota Century Code is amended and reenacted as follows:

**23-14-01. Formation of health districts.** When in the opinion of the state health officer, on information obtained in cooperation with local health officers and local boards of health, the health needs of any given area may be better served by the formation of a health district, as hereinafter provided, the state health officer shall so notify the county auditor of each county involved and the city auditor of each city having a population in excess of fifteen thousand persons. Each county auditor and city auditor shall place the matter before the governing board of the county or city at its next regular meeting, and the governing board by resolution either shall adopt or reject the plan at the same or the first subsequent meeting. If resolutions are adopted by the governing boards of the cities and counties as hereinbefore provided, adopting the health district plan, all laws and parts of laws in conflict therewith automatically become inoperative throughout the territory embraced within the district, and particularly the laws relative to city, township, and county boards of health. If the board of county commissioners of any county or the city council or city commission of any city, rejects the plan, it may submit the question of adoption of the provisions of this chapter to the qualified electors of the county or city at the next ensuing general or special election to be held in said county or city. In all elections held under this chapter, the votes cast in the cities having a population in excess of fifteen thousand inhabitants must be considered separate and apart from the votes cast elsewhere in the county, and the participation in the health district by any city must be governed by the votes cast in the city as distinguished from the vote cast elsewhere in the county. If a majority of the qualified electors voting on the question vote in favor of the adoption of the provisions of this chapter, the board of county commissioners, within ten days after the canvass of said election, shall adopt such resolution, and, upon the adoption of such resolution such county or counties, together with the cities voting in favor of the plan, must be considered a district health unit or health district. On a petition filed with the county auditor containing names of qualified electors of the county equal to ten percent or more of the votes cast for the office of governor at the last general election, an election on the question of forming a health district must be held as heretofore provided. The health districts must follow county lines, and in case the district as outlined by the state health officer includes more than one county, and the plan is adopted in any of said counties or cities, and rejected in any one or more of the other counties or cities, it becomes effective in the county or counties and city or cities adopting the plan, if ~~in the exercise of his discretion~~ the state health officer deems the same operative.

**SECTION 13. AMENDMENT.** Section 23-14-13 of the North Dakota Century Code is amended and reenacted as follows:

**23-14-13. Dissolution.** After a district health unit organized as provided in this chapter has been in operation for two years, the same may be dissolved in the following manner: On a petition filed with the county auditor of each county of a health district containing names of qualified electors of the county equal to ten percent or more of the

votes cast for governor at the last general election in each county, an election on the question of dissolution must be presented to the qualified electors in each county in the district at the next general or special election held in each county in the district. If a majority of the votes cast on the question in a majority of the counties favor dissolution, the health unit must be dissolved on January first following the election. If a majority of the votes cast on the question in a majority of the counties are against dissolution, no other election may be held until a period of two years has again expired.

**SECTION 14. AMENDMENT.** Section 23-14-13.1 of the North Dakota Century Code is amended and reenacted as follows:

**23-14-13.1. Withdrawal.** After a district health unit organized as provided in this chapter has been in operation for two years, any county may withdraw from the district in the following manner: On a petition filed with the county auditor containing names of qualified electors of the county equal to ten percent or more of the votes cast for governor at the last general election in that county, an election on the question of withdrawal must be presented to the qualified electors in the county at the next general or special election held in the county. If a majority of the votes cast on the question favor withdrawing from the district, the county will be considered withdrawn from the unit on January first following the election. If a majority of the votes cast on the question are against withdrawal, no other election may be held until a period of two years has again expired."

Page 6, after line 2, insert:

**"SECTION 16. AMENDMENT.** Section 27-19-02 of the North Dakota Century Code is amended and reenacted as follows:

**27-19-02. Method of acceptance.** Acceptance of jurisdiction may be by either of the following methods:

1. Upon petition of a majority of the enrolled residents of a reservation who are eighteen years of age or older; or
2. The affirmative vote of the majority of the enrolled residents voting on the question who are eighteen years of age or older, at an election called and supervised by the North Dakota Indian affairs commission upon petition of fifteen percent or more of those eligible to vote at such an election.

**SECTION 17. AMENDMENT.** Section 38-02-02 of the North Dakota Century Code is amended and reenacted as follows:

**38-02-02. Width of lode claims - Extension - Reduction.** The width of lode claims is one hundred fifty feet [45.72 meters] on each side of the center of the vein or crevice, except that any county, at any general election by a majority of the votes cast on the question at such election, may determine upon a greater width not exceeding three hundred feet [91.44 meters] on each side of the center of the vein or lode. By a like vote, any county may determine upon a width less than that specified in this section, except that a width of less than twenty-five feet [7.62 meters] on each side of the vein or lode is prohibited.

**SECTION 18. AMENDMENT.** Section 40-02-10 of the North Dakota Century Code is amended and reenacted as follows:

**40-02-10. Election returns - To whom made - Duty of board of county commissioners.** The election officials acting in each place in which votes are cast in an election held under this chapter shall return to the board of county commissioners which ordered the election a verified statement of the results of the election showing the

number of votes cast for and against incorporation at their voting place. The returns shall be verified by the affidavit of the election officials. The returns shall be canvassed by the board of county commissioners, and the results of the canvass and of the election shall be entered upon the minutes of the proceedings of such board. If a majority of the votes cast on the question at the election favored incorporation, the board shall make an order declaring that the territory described in the petition has been incorporated as a city under the council form of government or as a city under the commission system of government, as the case may be, by the name described in the petition, stating that name, and shall cause the order to be entered in the minutes of its proceedings. If the territory is located in more than one county, a certified copy of such order shall be submitted immediately to each of the other counties within which a portion of the territory described in the order is situated. The auditor of each county to which a certified copy of the order is submitted shall make a record thereof in the minutes of the board of county commissioners of such county.

**SECTION 19. AMENDMENT.** Section 40-02-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-02-11. Division into wards.** If a majority of the votes cast on the question at the election provided for in this chapter favored incorporation as a city, the board of county commissioners that ordered the election shall, if the territory has been incorporated as a city under the council form of government, divide the city into wards. The city may not be divided into wards unless it has more than six hundred inhabitants. If the city has more than six hundred inhabitants, one ward must be formed for each two council members to which the city is entitled. In cities of more than fifteen thousand inhabitants, however, the number of wards is limited to seven originally, and that number may be increased thereafter as provided in this title. Each ward must be formed from contiguous territory, and all wards must be numbered consecutively and must have, as nearly as practicable, the same number of inhabitants. After the election of council members, the governing body of the city shall form or establish wards pursuant to law.

**SECTION 20. AMENDMENT.** Section 40-04-04 of the North Dakota Century Code is amended and reenacted as follows:

**40-04-04. Returns and canvass of election - Certificate to secretary of state - Officers to continue until election.** The officials of an election held under the provisions of this chapter shall make a return of such election to the governing body of the city and such governing body shall canvass such returns and cause the result of the canvass to be entered upon the records of the city. If a majority of the votes cast on the question at such election shall be for city organization under the commission system, the auditor shall certify the adoption of such form of government and a copy of the proceedings concerning the same to the secretary of state together with the result of any special census taken in such city. The city officers then in office shall exercise the powers conferred upon like officers of a city operating under the commission system of government until their successors are elected and qualified.

**SECTION 21. AMENDMENT.** Section 40-04-11 of the North Dakota Century Code is amended and reenacted as follows:

**40-04-11. Procedure when election favors changing from commission system of government.** If a majority of the votes cast on the question at the election provided for in section 40-04-10 favor the proposition submitted at such election, the officers elected at the next biennial election shall be those prescribed by the provisions of this title relating to cities organized under the city council form of government. Upon the qualification of such officers, the city shall become a city under the council form of government."

**"SECTION 23. AMENDMENT.** Section 40-10-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-10-02. Vote required to adopt plan - Effective date.** If a majority of the votes cast on the question at the election favors the adoption of the city manager plan, the governing body shall declare the plan adopted, and shall fix the date when the plan becomes effective. The date must be after the first regular meeting of the governing body in the month of July following the election.

**SECTION 24. AMENDMENT.** Section 40-10-08 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-10-08. Election to determine question of retention of city manager plan - Procedure thereafter.** At any time after the city manager plan has been in force in any city for a period of five years or more, the governing body of the city may submit at any regular election the question of whether or not such plan shall be retained. If a petition signed by forty percent or more of the qualified electors of the city as shown by the votes cast for the executive officer at the preceding city election, requesting the submission of such question is filed with the city auditor, the governing body shall submit such proposal to the qualified electors of the city at an election to be held within ninety days after the filing of such petition. The signatures to such petition need not be appended to a single paper, but each single paper so used shall clearly state the purpose of the petition at the top of the paper, and each signature shall have been placed thereon not more than ninety days prior to the date on which the petition is filed in the office of the city auditor. Upon each paper one of the qualified electors signing such petition shall, under oath before an officer competent to administer oaths, swear that ~~he~~ that person witnessed the signing of each signature appearing on such paper and that each signature appearing upon such paper is the genuine signature of the person whose name it purports to be. Each petition, in addition to the names of the signers, shall contain the name of the street and the number of the house in which each petitioner resides, the length of ~~his~~ the petitioner's residence in the state of North Dakota, ~~the length of his residence~~ and in the city, and the date on which the petitioner signed the petition. Any petitioner shall be permitted to withdraw ~~his~~ the petitioner's name from a petition at any time prior to action by the governing body calling the election as provided herein. Such question shall not be submitted more than once in every five years. If a majority of the votes cast on the question at the election shall be against retaining the city manager plan, the city shall revert to the plan in force previous to the adoption of the city manager plan, and the provisions of this chapter shall not be applicable to such city except after another compliance with its terms. The governing body shall fix the date, not less than three months nor more than six months after an election at which the majority vote on the question is against the retention of the city manager plan, when such plan shall cease to be operative in the municipality.

**SECTION 25. AMENDMENT.** Section 40-33-12 of the North Dakota Century Code is amended and reenacted as follows:

**40-33-12. Surplus in municipal utilities fund - How expended.** When the governing body of the municipality ~~shall determine~~ determines that there is a cash surplus in the municipal utilities fund over and above any amount necessary to provide adequately for the operation, maintenance, repair, enlargement, alteration, improvement, and extension of the plant or plants, it, ~~in its discretion,~~ may invest the surplus or transfer it or a portion thereof as follows:

1. All or any part of the surplus may be invested by the governing body in interest-bearing bonds of the United States government, the state of North Dakota, or any bonds or special improvement district warrants of the municipality in which the municipal plant is located, and all the principal and interest on the warrants and bonds, when repaid, shall be placed back in the municipal utilities fund; or



2. The governing body may transfer from the surplus in the fund to the general fund of the municipality or to any other fund of the municipality a total sum of not more than twenty percent of the gross receipts of the municipal utilities for the fiscal year of the municipality during which the transfer or transfers are made. In addition the governing body, upon adoption of a resolution declaring it necessary and upon approval of a majority of the votes cast on the question at a regular city election, may transfer to the general fund of the municipality or to any other fund of the municipality from the surplus in the municipal utilities fund at the end of any fiscal year. The resolution and ballot shall state the specific amount or percentage to be transferred as hereinbefore provided.

**SECTION 26. AMENDMENT.** Section 40-38-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-38-01. Public library and reading room - Establishment - Election.** The governing body of any city or county upon petition of not less than fifty-one percent of the qualified electors of the city or county as determined by the total number of votes cast at the last general election or upon a majority vote of the qualified electors thereof voting on the question shall establish and maintain public library service within its geographic limits by means of a public library and reading room or other public library service, either singly or in cooperation with the state library, or with one or more cities or counties, or by participation in an approved state plan for rendering public library service under the Library Services and Construction Act [20 U.S.C. 351-358], and acts amendatory thereof. Such question shall be submitted to the qualified electors upon resolution of the governing body or upon the petition of not less than twenty-five percent of that number of qualified electors of the city or county that voted at the last general election, filed with the governing body not less than sixty days before the next regular election. Library service may be discontinued within any city or county by any of the methods by which library services may be established, except that once established, such service shall not be discontinued until after it has been in operation for at least five years from the date of establishment.

**SECTION 27. AMENDMENT.** Section 40-49-07.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-49-07.2. Dissolution of city park district - Election.**

1. A city park district may be dissolved pursuant to a plan adopted pursuant to this section. A proposal for dissolving a city park district may be initiated:
  - a. By resolution incorporating a dissolution plan, approved by a majority vote of the board of park commissioners and submitted to the governing body of the city; or
  - b. By a petition incorporating a dissolution plan, signed by twenty-five percent or more of the total number of qualified electors of the city park district voting at the last regular city election and submitted to the governing body of the city.
2. The governing body of the city shall submit the question of dissolution to the electors of the park district at any regular city election or primary or general election as specified in the resolution or petition submitted pursuant to subsection 1. The plan incorporated in the resolution or petition is effective and becomes operative according to its terms if a majority of the qualified electors voting on the question approves the plan.
3. A plan for dissolving a city park district may specify:

- a. The disposition and maintenance of land and other property acquired by the board of park commissioners of the dissolved park district;
  - b. The manner for payment of any current indebtedness, evidences of indebtedness in anticipation of user fee revenues, bonded indebtedness, and other obligations of the dissolved park district;
  - c. The disposition of any outstanding special assessments or other anticipated revenues;
  - d. The transition in implementing the plan, including elements that consider the reasonable expectations of current officeholders and personnel such as delayed effective dates for implementation; and
  - e. Other considerations and provisions that are consistent with state law.
4. The governing body of the city shall cause the complete text, or a fair and accurate summary, of the plan to be published in the official newspaper of the city, not less than two weeks nor more than thirty days, before the date of the election. The governing body 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.

**SECTION 28. AMENDMENT.** Section 40-49.1-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-49.1-02. Election on combination plan.** If a plan for combining boards of park commissioners is proposed by agreement or petition, the participating or affected boards shall immediately submit the proposed plan to the governing bodies of the affected cities and, if applicable, to the board of county commissioners of any affected county. Those boards shall jointly submit the question of combination to the qualified electors of the affected cities and counties at a primary or general election as specified in the agreement or petition within two years of the initial submission of the agreement or petition, and shall cause the complete text, or a fair and accurate summary, of the plan to be published in the official newspapers of the affected cities and counties, not less than two weeks nor more than thirty days, before the date of the election. The boards of park 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. The plan incorporated in the agreement or petition is effective and becomes operative according to its terms if a majority of the qualified electors voting on the question in each affected city or county approves the plan.

**SECTION 29. AMENDMENT.** Section 40-53.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**40-53.1-04. Dissolution - Vote required - Effect on debts and contracts.** If a majority of the votes cast on the question are in favor of dissolution the county commissioners shall, by motion and proclamation, set a date upon which dissolution will become effective and the city shall be dissolved, provided provision has been made for payment of its current indebtedness, contracts, and obligations, and for levying the requisite tax to do so. The current indebtedness, contracts, and obligations do not include funded or bonded indebtedness nor any contract whose termination date is more than one year beyond the date the election was held.

**SECTION 30. AMENDMENT.** Section 40-53.2-03 of the North Dakota Century Code is amended and reenacted as follows:

**40-53.2-03. Municipal consolidation review commission.** Upon passage by a simple majority of the votes cast on the question in each of the cities seeking consolidation in the manner provided by section 40-53.2-02, the governing body of each of the cities seeking consolidation shall appoint an equal number of the members of each governing body who shall convene as the municipal consolidation review commission to make a finding as to whether or not there is sufficient reason to further consider consolidation of the cities seeking consolidation. If the commission finds insufficient reason, no further consideration shall be given to the matter of consolidation of the cities. If the commission finds sufficient reason for consolidation, it shall develop a recommended plan of consolidation, holding such hearings on the plan as it deems appropriate. The commission shall submit its recommended plan to the voters of both cities. Upon receiving a majority affirmative vote of the electors of each city, voting on the question at a special election or any regular election, the review commission's recommended plan shall become effective on July first of the next year."

Page 7, after line 17, insert:

**"SECTION 34. AMENDMENT.** Section 57-15-08 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-08. Tax levy limitations in cities.** The aggregate amount levied for general city purposes may not exceed ~~such an amount as will be~~ produced by a levy of thirty-eight mills on the taxable valuation of property in the city; provided, that in cities with a population of over five thousand they be permitted to levy an additional one-half of one mill for each additional one thousand population in excess of five thousand, and provided, further, that the maximum levy for general city purposes may not exceed forty mills, except that ~~cities a city~~, when authorized by a majority vote of the electors of ~~such cities~~ the city voting on the question upon the submission of such question at a regularly scheduled or special election called for such purpose pursuant to a resolution approved by the governing body of such ~~cities city~~, may increase the maximum mill levy for general city purposes by not more than ten mills, and that in a city supporting a band or public library an additional levy, not to exceed one mill on the taxable valuation of property in such city, may be made for a band, and an additional levy not to exceed four mills on the taxable valuation of property in such city may be made for a public library.

**SECTION 35. AMENDMENT.** Section 57-15-12 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-12. Tax levy limitations in park districts.** In park districts tax levies have the following limitations:

1. The aggregate amount levied for park district purposes, exclusive of levies to pay interest on bonded debt and levies to pay and discharge the principal thereof, and levies to pay the principal and interest on special assessments assessed and levied against park board properties by other municipalities, may not exceed ~~such an amount as will be~~ produced by a levy of four mills on the dollar of the taxable valuation of the district for the current year.
2. Any park district owning and operating an airport for which no city levy is made, may levy an additional tax, ~~regardless of the foregoing limitations and in addition to the levies hereinbefore provided for~~, of not to exceed four mills on the dollar of the taxable valuation of the district for the current year, such additional tax to be used solely for the purpose of purchasing or acquiring lands necessary for said airport, paying for land previously acquired for said airport, and for operating and maintaining the same.

3. Whenever the board of park commissioners deems it advisable to raise moneys by taxes in excess of the levy herein provided, for any purpose for which the park district is authorized to expend moneys raised by taxes, the board of park commissioners shall submit to the voters of the district the question of increasing the levy by a certain number of mills, but not to exceed fifteen mills, on the dollar of the taxable valuation of the district. When authorized by a majority of the qualified electors of the park district voting on the question at an election in which the question has been submitted, the board may increase the levy in the amount so authorized. This excess levy may be continued from year to year by action of the park board except that if a petition containing the signatures of not less than ten percent of the qualified electors of the park district, as determined by the city auditor of the municipality in which the park district is situated, is presented to the park board requesting an election on the question of continuing the excess levy, that question must be submitted to the qualified electors of the park district at the next regular park district election. If the majority of the qualified electors voting on the question at that election determine not to continue the excess levy, no further excess levy may be made except that the election does not affect the tax levy in the calendar year in which the election is held."

Page 8, after line 13, insert:

**"SECTION 37. AMENDMENT.** Section 57-15-12.3 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-12.3. Tax levy for parks and recreational facilities.** A board of park commissioners established pursuant to chapter 40-49, may levy taxes annually not exceeding the limitation in subsection 5 of section 57-15-12.2 for a fund for the purpose of acquiring real estate as a site for public parks, construction of recreational facilities, renovation and repair of recreational facilities, and the furnishing of recreational facilities. The tax is to be levied, spread, and collected in the same manner as are other taxes in the park district. The question of whether the levy is to be discontinued must be submitted to the qualified electors at the next regular election upon petition of twenty-five percent or more of the qualified electors voting in the last regular park district election, if the petition is filed not less than sixty days before the election. If the majority of the qualified electors voting on the question vote to discontinue the levy, it may not again be levied without a majority vote of the qualified electors voting on the question at a later regular election on the question of relevying the tax, which question may be submitted upon petition as above provided or by decision of the governing board."

Page 8, after line 29, insert:

**"SECTION 39. AMENDMENT.** Section 57-15-44 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-44. City tax levy for acquiring real estate for public building.** The governing body of any city may levy taxes annually, not exceeding the limitation in subsection 22 of section 57-15-10 for a fund which must be used for the purpose of acquiring real estate as a site for public buildings, construction of public buildings, renovation and repair of public buildings, and the furnishing of public buildings, or for a city's participating share in urban renewal programs. The tax is to be levied, spread, and collected in the same manner as are other taxes in the city. Whether the levy shall be discontinued must be submitted to the qualified electors at the next regular election upon petition of twenty-five percent or more of the qualified electors voting in the last regular city election, the petition to be filed not less than sixty days before the election. If the majority of the qualified electors voting on the question vote to discontinue the

levy, it may not again be levied without a majority vote of the qualified electors voting on the question at a later regular election on the question of relevying the tax, which question may be submitted upon petition as above provided or by decision of the governing board."

Page 11, after line 9, insert:

**"SECTION 46. AMENDMENT.** Section 61-04.1-29 of the North Dakota Century Code is amended and reenacted as follows:

**61-04.1-29. Creation of weather modification authority by election.** When a petition signed by not less than twenty percent of the qualified electors of the county, as determined by the vote cast for the office of governor at the last preceding gubernatorial election, requesting an election upon the establishment of a weather modification authority is presented to the board of county commissioners, not later than forty-five days prior to the next countywide election, the board of county commissioners shall submit the question to the qualified electors of the county at the next countywide election. Upon approval by a majority of the votes cast on the question, the board of county commissioners shall, by resolution, establish a weather modification authority as described in section 61-04.1-23 with all powers set out in this chapter, including the power to certify a tax levy as provided by section 61-04.1-26.

**SECTION 47. AMENDMENT.** Section 61-04.1-30 of the North Dakota Century Code is amended and reenacted as follows:

**61-04.1-30. Abolishment of weather modification authority by election.** When a petition signed by not less than twenty percent of the qualified electors of the county, as determined by the vote cast for governor in the last preceding gubernatorial election, requesting an election upon the abolishment of a weather modification authority as created in sections 61-04.1-27 and 61-04.1-29 is presented to the board of county commissioners, not later than forty-five days prior to the next countywide election, the board of county commissioners shall submit the question to the qualified electors of the county at the next countywide election. Upon approval by a majority of the votes cast on the question, the board of county commissioners shall abolish the weather modification authority as of December thirty-first following the election. All unexpended funds remaining in the name of the weather modification authority, after all proper bills and expenses have been paid, shall be deposited in the general fund of the county.

**SECTION 48. AMENDMENT.** Section 61-04.1-31 of the North Dakota Century Code is amended and reenacted as follows:

**61-04.1-31. Creation of weather modification authority by vote after resolution of county commissioners.** The board of county commissioners of any county may, by resolution after a public hearing, submit the question of the creation of a weather modification authority to the electors of the county at the next countywide election. Upon approval by a majority of the votes cast on the question, the board of county commissioners shall pass a resolution creating a weather modification authority, as described in section 61-04.1-23. Such an authority shall have all powers provided by this chapter, including the authority to levy a tax as provided by section 61-04.1-26."

Renumber accordingly