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Sixty-first
Legislative Assembly
of North Dakota

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   c. 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

1   f. Do any other act consistent with and reasonably required to perform its

2   advisory function.