

TOWNSHIPS

CHAPTER 693

HOUSE BILL NO. 1306
(Representatives Schmidt, Belter, Aarsvold)
(Senators Kinnoin, Vosper)

TOWNSHIP CONSOLIDATION

AN ACT to provide for the establishment of multitownship boards of officers for the consolidation of up to and including five township boards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. In this Act, unless the context otherwise requires:

1. "Adjoining townships" means two or more townships that have a common boundary or touch at the corners and are in the same county.
2. "Multitownship board of officers" means a board of officers established for two or more townships consisting of a multitownship board of supervisors, a multitownship clerk, and a multitownship treasurer.

SECTION 2. Consolidation of township officers - Petition - Membership. The board of township supervisors of a township shall propose a plan for the consolidation of the board of township officers with the officers of adjoining townships when three qualified electors or five percent of the qualified electors of the township, as determined by the number of qualified electors voting at the last annual township meeting, whichever is greater, petition the board. The township clerk, within fourteen days of receiving a petition, shall notify the board of township supervisors of each adjoining township of the proposal for consolidation and submit a copy of the proposal to the county auditor. The boards of township supervisors of each adjoining township shall respond to the proposal within thirty days.

If the response of a board of township supervisors of an adjoining township indicates that the consolidation should be pursued, the clerk of the township proposing the consolidation shall call a meeting, or meetings if necessary, at a time and place agreed upon by the boards of each township. The chairman of the board of township supervisors of the township proposing the consolidation shall preside at the meeting. If requested by the board of township supervisors of the township proposing the consolidation, the board of township supervisors of each township shall submit a report of the assets, liabilities, and overall financial condition of each township for review by the other boards of township supervisors.

If one or more boards of the townships responding to the proposal agreed to further pursue the proposed consolidation, the question of consolidation must be presented to the electors of each of the townships. However, no more than five adjoining townships may consolidate. Notice of the presentation of the question to the electors must be submitted to the

county auditor by the board of township supervisors of the township proposing the consolidation. Upon receiving that notice, the county auditor shall assign an identifying number to the proposed multitownship board and notify the board of supervisors of each township of that number.

SECTION 3. Submission of consolidation plan to electors. The board of township supervisors of each township that is involved in the proposed consolidation shall call a special township meeting to consider and vote on the proposed consolidation. The ballot used at the election must be in substantially the following form:

Shall the townships of _____ (name of townships to be consolidated) consolidate township boards under one multitownship board of officers to be identified as multitownship board number _____.

Yes /__/

No /__/

If a majority of all votes cast on the question in the township proposing the consolidation and in any adjoining townships are in favor of the consolidation, the consolidation is approved for those township boards of officers.

SECTION 4. Equalization of assets and liabilities of townships. The boards of township officers of each township voting in favor of the consolidation shall meet at a place designated by the board of township supervisors of the township that proposed the consolidation within thirty days following the election to equalize the property, funds, and debts of the townships. In addition, the boards shall perform any other actions necessary to carry out the consolidation of the township, including conveying, selling, or disposing of property that is not necessary for the operation of the townships except the township halls.

SECTION 5. Settlement of disagreement. If the boards of township officers of the consolidating townships are unable to equalize the property, funds, and debts of the townships, the chairman of the board of township supervisors of the township that proposed the consolidation shall immediately notify the board of county commissioners of the disagreement. The chairman of the board of county commissioners shall call a meeting of the boards of township officers of the consolidating townships, the county commissioners, the state's attorney, and the county auditor to attempt to settle the disagreement to the satisfaction of all the township boards. If the disagreement is not settled to the satisfaction of all boards involved in the consolidation, the boards of the townships agreeing to the equalization may proceed with the consolidation. The township board of officers of each consolidating township shall meet at least once to review the final equalization of the assets and liabilities of the township.

SECTION 6. Transition board. The board of township supervisors of each township involved in the consolidation shall select one supervisor to be a member of a transition township board. If there are fewer than three townships involved in the consolidation, each board of township supervisors may select two supervisors to be members of the transition board. The clerk of the township that proposed the consolidation shall act as clerk for the transition board. The transition board shall assume all the powers and

duties of the township officers of each township approving the consolidation on the first of January following the election. The transition board shall continue in existence until the first annual meeting of the consolidated townships and shall prepare a proposed budget for the multitownship board.

SECTION 7. Multitownship board - Election. On the third Tuesday of March following the consolidation election, a multitownship meeting must be held and the qualified electors shall elect a multitownship board of supervisors. If the number of consolidated townships is five or fewer, the multitownship board of supervisors must consist of one supervisor elected from each township. If the number of consolidated townships is two or four, an additional township supervisor must be elected at large so the multitownship board consists of three or five members. The length of the terms of the supervisors first elected must be staggered so that the terms of an equal amount of supervisors, or as nearly as practicable, expire each year. In addition, the qualified electors shall elect a multitownship clerk and a multitownship treasurer. The multitownship officers elected at the annual meeting shall assume all the powers and duties of the township officers of the townships approving the consolidation.

SECTION 8. General township laws applicable. When applicable, all laws relating to a board of township supervisors apply to a multitownship board of supervisors.

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