

2025 HOUSE POLITICAL SUBDIVISIONS

HB 1384

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1384
1/23/2025

A BILL for an Act to amend and reenact section 11-10-02 of the North Dakota Century Code, relating to the election of a full-time county auditor.

3:50 p.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Discussion Topics:

- Elected vs appointed positions
- Qualifications of candidates

3:51 p.m. Matt Heilman, North Dakota Representative for District 7, introduced the bill, testified in favor, and provided testimony #31116 and #31296.

4:02 p.m. Lenny Kenner, North Dakota citizen, testified in favor.

4:04 p.m. Donnell Preskey, North Dakota Association of Counties, testified in opposition.

4:14 p.m. Sandy Fossum, Auditor from Richland County, testified in opposition.

4:19 p.m. Chad Kaiser, Stutsman County Sherrif, testified in opposition.

4:23 p.m. Michael Hansen, Stutsman County Commission, testified in opposition.

Additional written testimony:

Jerry Bergquist, Commission Chairman for Stutsman County, submitted testimony in opposition #30585

Perry Miller, County Commissioner for Richland County, submitted testimony in opposition #30766.

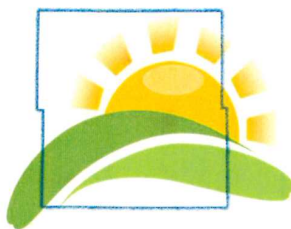
Dustin Gawrylow, North Dakota Watchdog Network, submitted testimony in opposition #30901

Callen Cermak, Individual, submitted testimony in opposition #31009



Representative Lawrence Klemin, North Dakota Representative for District 47, submitted neutral testimony #31323.

4:24 p.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk



STUTSMAN COUNTY

 511 2nd Ave SE
 Jamestown, ND 58401
 (701) 252-9035
 www.stutsmancounty.gov

January 21, 2025

House Political Subdivisions Committee
 Donald W. Longmuir, Chairman
 Testimony In Opposition of HB 1384

Chairman Longmuir and members of the House Political Subdivisions Committee, the Stutsman County Commission opposes HB 1384 requiring full-time county auditors to be elected officials.

Stutsman County has been a home-rule county since August 1, 2000. The home rule charter that was approved by majority vote of the public dictates that the Auditor, among other offices, be filled by appointment by the Board of County Commissioners.

The reason for changing from an elected auditor position to an appointed position was to ensure the person holding the position had a background in finance and was not just a winner of a popularity contest. With the county handling tens of millions of dollars in funds from multiple sources, it's essential the person holding the position be knowledgeable of the rules for each fund, all state and federal law restrictions, and finance in general.

For Stutsman County, having the auditor as an appointed position has allowed the County Commission to interview individuals for the position and select an individual that is best suited for that very demanding position.

Anyone can run for an elected auditor position, regardless of whether they possess any financial knowledge whatsoever. If that individual is elected, they become the auditor, and the County Commission can do nothing to resolve the issue. This type of mindset is not in the best interest of efficient county government and in no way benefits the public who we serve.

Thank you for your consideration,

Jerry Bergquist, Chairman
 Stutsman County Commission
jlbergquist@stutsmancounty.gov

County Commissioners

Jerry Bergquist – Jamestown
 Chad Wolsky – Jamestown
 Levi Taylor – Ypsilanti
 Michael Hansen – Montpelier
 Amanda Hastings – Jamestown

County Officials

Jessica Alonge – Auditor/COO
 Maureen Pederson – Treasurer/Recorder
 Tyler Perleberg – Tax Director
 Fritz Fremgen – States Attorney
 Chad Kaiser – Sheriff

Josh Smaage – Dir. Of Information Technology
 Shannon Davis – Human Resource Director
 Mandi Freije – Human Service Zone Director
 Chad Jackson – Jail Administrator
 Jessica Moser – 911/Emergency Manager

David Bratton – Veterans Service Officer
 Jesse Christianson – Int. Road Superintendent
 Karl Bergh – Park Superintendent
 Ashley Kjellberg – Extension Agent
 Brenda Jarski-Weber – Extension Agent

HB 1384 testimony

I would like to express our opposition to HB 1384, that would require the county auditor to be elected instead of appointed. Our residents passed a home rule charter (by a wide margin) which allowed the auditor to be appointed instead of elected. This has served the residents of Richland County well. The working relationship between the elected commissioners and appointed Auditor has always been good. Certainly, there have been differences of opinion, but always resolved in the light of public meetings. Appointing the auditor allows the commission to provide direction and give advice, however if the auditor is appointed, they could very well take the attitude of: "I don't answer to you!" It could prevent the elected members of the commission from taking corrective or disciplinary action.

People may well be 'popular' and able to win an election, but have no understanding of the tax levy system, property valuations and mill levy calculations that are necessary for this position.

Furthermore, we could theoretically have someone new in this position every four years, which would create a very difficult situation, as continuity in this office provides stability. As you know, it takes time to become acquainted with a new position, especially one as complicated as auditor. I've seen examples of elected officials refusing to work with the commission and other departments. It creates unnecessary problems, cost and turmoil.

This bill is a solution in search of a problem that does not exist, and it takes away local control.

Please do not pass HB 1384

LEGISLATIVE BILL TRACKING

HB 1384: The Mark Splonskowski Protection Act

A bill designed to prevent the Burleigh County Commission from using its "nuclear option" will also cause a loss of oversight powers in all counties in the future.



DUSTIN GAWRYLOW
JAN 22, 2025



Share



(Note: This is a bill analysis that I was procrastinating about writing since it was introduced the first week of the session. But due to [the public statements published in the Bismarck Tribune this afternoon](#), it can no longer be avoided.)



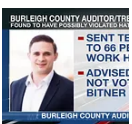
Over the last couple years and more recently again in the last few months, I have written extensively about the situation with Burleigh County's finances and continuing squabble between the Burleigh County Commission and the Burleigh County Auditor.



Burleigh County Needs Help To Maintain Election Integrity

DUSTIN GAWRYLOW • OCTOBER 24, 2024

[Read full story →](#)



Burleigh County Commission Must Address Auditor Situation

DUSTIN GAWRYLOW • DECEMBER 16, 2024

[Read full story →](#)



Burleigh County Auditor Makes His Case To The Public

DUSTIN GAWRYLOW • DECEMBER 17, 2024

[Read full story →](#)



Secretary of State Provides Documents On Voting Machine Computer

DUSTIN GAWRYLOW • DECEMBER 17, 2024

[Read full story →](#)



Burleigh Deputy Auditor Resigns; State Auditor Josh Gallion Chimes In

DUSTIN GAWRYLOW • DECEMBER 18, 2024

[Read full story →](#)

This is and has been a sticky issue for the Burleigh County Commission has been wrestling with as it has sought to figure out what has been going and what has also not been getting done in the county's name.

[As I wrote back in early December](#), part of the solution is probably to de-couple the Treasurer and Auditor jobs back to the way it used to be prior to the 1980s/90s when the jobs were combined:

The county commission should explore the following steps:

1. Separate the Role of Treasurer from the Auditor's Role:

- Merge the Treasurer's responsibilities with those of the Finance Director.
- Convert this new position into an appointed role that reports directly to the commission.
- Require the appointee to hold an advanced degree in finance or accounting.

2. Create a County Administrator Position:

- Establish a long-debated county administrator position that reports directly to the commission.
- Seek out candidates for the role who have experience that can translate, including that of budget director
- Transfer day-to-day administrative responsibilities from the Auditor's office to this position.

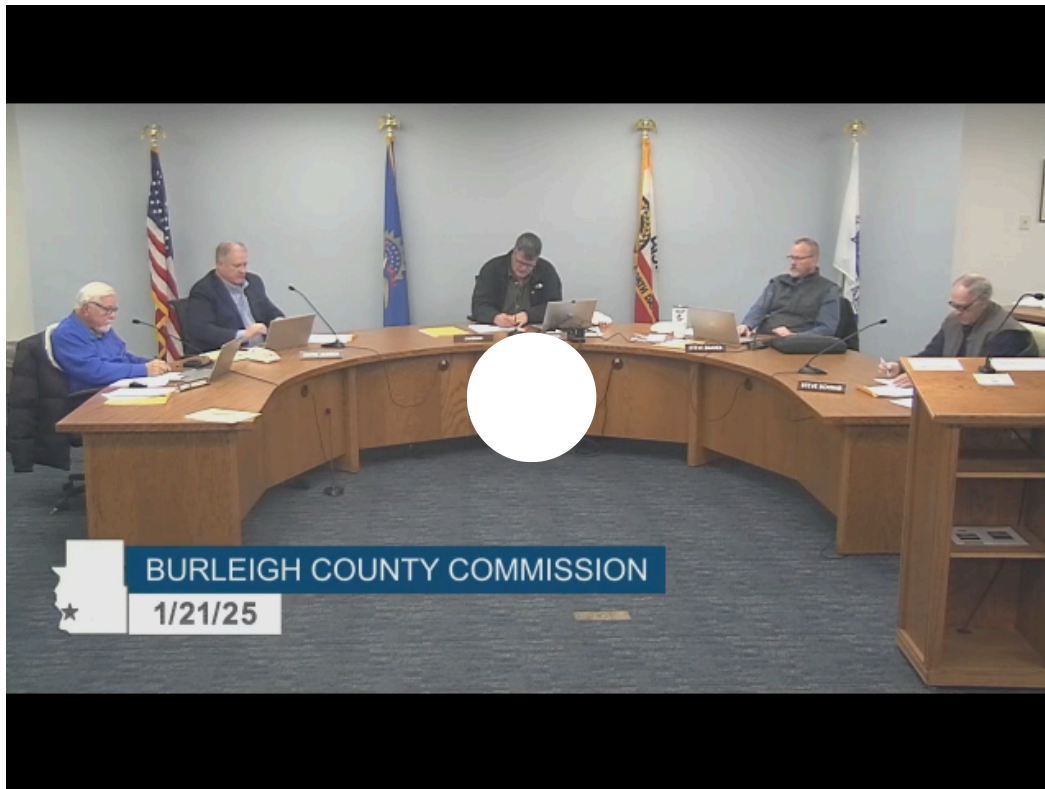
- Ensure that the position does not become a “king-maker” by limiting contract durations and preventing “golden parachute” contracts.

3. Retain the Auditor’s Office as an Elected Oversight Role:

- Maintain the legal obligations required by state law within the Auditor’s office.
- Adjust the Auditor’s salary to reflect the reduced scope of responsibilities transferred to the Treasurer and Administrator positions.
- Offer flexibility for an elected Auditor to opt for a reduced salary if he/she lack the qualifications to perform all the job’s functions independently.
- Encourage candidates for the elected Auditor’s at a reduced-scope to have management training and experience; and mandate that new auditors seek formal training in the 6-months between being elected and taking office, including paying for such training. (Auditors are elected in November but do not take office until April, so there is plenty of time to get up to speed.)

It is imperative that the Auditor remain elected, but with scaled-down job description and expectations - and move the role of Treasurer to the Finance Director as an appointed job. (The legislature should consider examining this part of the issue, if it does anything.)

Yesterday, the Burleigh County Commission discussed the current situation:



Burleigh County's Home Rule Charter currently states:

The Board of County Commissioners may follow state law converting the elected offices of the county auditor/treasurer and the county recorder into appointed offices. Any resolution to convert an elected office to an appointed office shall not shorten the term for which the official was elected nor reduce the salary of the official's office for that term.

The commission tabled action at yesterday's meeting, but this is where the current legislative session and one particular bill comes into play:

HB 1384 seeks to repeal the ability for counties or their voters to make the decision have an appointed auditor if the electorate votes to do so - even if the voters have made that decision.

Notwithstanding chapter 11 - 10.2 or 11 - 10.3, if the county auditor as provided for in subsection 1 is a full - time employee of the county, the county auditor must be an elective office. A county may not exercise any power under a home rule charter to circumvent this subsection.

To those observing, this particular proposed state-powergrab is especially transparent [with what is happening in Burleigh County](#), leading some lawmakers to not-so-jokingly refer to HB 1384 as “The Mark Splonskowski Protection Act”.

This afternoon, [an article was published with quotes from the bill sponsor and the Burleigh County Auditor confirming this is indeed the intent of the bill](#):

State law and the county's home rule charter allows the commission to convert elected positions to appointed ones, but that authority could be at risk. A proposed bill in the state Legislature, [House Bill 1384](#), would require full-time county auditors, such as the one in Burleigh County, to be an elected office. The bill was introduced by Rep. Matthew Heilman, R-Bismarck.

Heilman told the Tribune he introduced the bill in response to efforts, dating back a few years, to make the Burleigh County auditor position appointed. He cited a 2020 ballot measure that asked county voters to make the position appointed. That measure failed, with more than two-thirds of county residents voting against it.

He added that Splonskowski is a friend of his.

Splonskowski in a statement said it's concerning to him, both as the elected official affected and as a resident of Burleigh County, that the commission would "entertain eliminating the voice of the people." He also cited the 2020 ballot measure, saying the move would go against the will of the people.

"The people strongly voted to have this position remain elected. I would hope the commission would respect the opinion the people stated at the ballot box," he said.

Converting an elected office to an appointed one would start with a preliminary resolution, passed by the commission on a majority vote. The board would then be required to hold public hearings on the change. Lawyer suggested the board consider holding public hearings over several months so it can collect as much public input as possible.

[...]

The board would then need to pass a final resolution. County residents would have 30 days to file a petition protesting the change. If enough signatures are filed, equal to 10% or more

of the total number of qualified electors that voted for governor in the most recent gubernatorial race, the commission would either have to repeal the resolution or put it to a vote.

If converted, Splonskowski would still be allowed to serve the rest of his term, which ends on April 1, 2027.

Conclusions

1. HB 1384 should be defeated. The idea of changing state law to hamstring all counties that have voter approved Home Rule Charters just to protect one Auditor in conflict with his County Commissioners over a multitude of issues is absurd. Legislators should know better than to make these issues that personal.
2. In fact, the legislature should instead examine the qualifications for offices like county auditors to prevent disputes over qualifications from happening. Currently the only requirements are a high school diploma and living in the county. That may have been enough in 1889, but the times have changed. Voters deserve to know that the people they vote for, especially when it comes to financial oversight, are somehow qualified in the first place to do the job.
3. Burleigh County must conduct more open meetings about the issues occurring behind the scenes in the county offices. There have been reports and rumors for well over a year that have not been fully disclosed. The Burleigh County Commission has gone out of its way to try to remedy these issues internally and behind the scenes in the hopes of avoiding the public “food fight” that has been exposed since two weeks before the election.
Many in the public get the sense that this has just developed recently because the commissioners were trying to resolve it quietly. That is not the case.
[Callers into the KFYZ Kafe felt in December that this was “all of a sudden”](#) when it absolutely has NOT been all of a sudden.
The public may even need to hear from county staff directly about the drama behind the scenes so that the public does not think that it is just a conflict between personalities on the county commission and the county auditor. There is way more to this situation than meets the eye.

4. The Burleigh County Commission should commit to a restructuring that ensures the work gets done and that whomever the next auditor is can do the job and not be “set up to fail”.

This restructuring should include scaling back the job so there is still a check-and-balance from an elected auditor, but that no one official can cause county business to grind to a halt. (The legislature should examine whether the statutory roles are appropriate if they do not place higher requirements on the job.).

5. Finally, the Burleigh County Commission should put its fix up to a vote of the people, even if it means holding a special election prior to the next regular election in June 2026.

Even with the justifications for the change, doing so without voter consent could be even more damaging. As [Rob Port wrote back in December](#): “...as a political matter I'd caution prosecutors that they're at risk of making Splonskowski a martyr. His particular breed of populist politics is never so potent as it is in the context of martyrdom.”

This is sticky problem. Legislators should be looking to fix the problem rather than just protecting those involved with problematic situations.

Let's fix the problem, and not create martyrs that can be portrayed as victims.

[← Previous](#)

Discussion about this post

Comments

Restacks



Write a comment...

Callen Cermak, CPA
2930 Smokey Lane
Bismarck, ND 58504
cermak@midco.net
701-226-4454

1/23/25

Chair Longmuir
Political Subdivisions

Dear Chair Longmuir and Members of the Committee,

My name is Callen Cermak, and I am a resident of Bismarck, ND. I am writing to express my opposition to House Bill 1384, which addresses the election of full-time county auditor.

I oppose this bill because it mandates how local government governs. This bill is the result of an elected official in Burleigh County that does not have the education nor experience to perform the position to the standards required.

If it is the intent of the state to mandate that they are elected positions, they need to allow the addition of minimum qualifications for the position. Currently the only qualification for auditor is the individual who is **at least 18 years of age and a resident of that county**. The auditor serves as the County's chief financial officer and custodian of certain court records and documents. Many county governments are equivalent to medium to large corporations. I can assure you they would not hire a CFO with no education or qualifications.

We do not elect judges that do not meet the minimum qualifications, county auditor positions should be no different and require minimum qualifications.

In conclusion, I urge you to oppose House Bill 1384 because it needs to leave governing local. Thank you for considering my testimony.

Sincerely,

Callen Cermak, CPA





North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Matt Heilman

District 7
5501 Flatrock Drive
Bismarck, ND 58503-8929
mheilman@ndlegis.gov

COMMITTEES:

Education
Political Subdivisions

January 23rd, 2025

Chairman Longmuir and members of the Political Subdivisions Committee,

I am Representative Matt Heilman from North Dakota's seventh legislative district in Bismarck. I come before you today to testify in favor of HB 1384. This legislation requires a full-time county auditor to be elected. I do have an amendment from legislative council that is a better way to go about this issue, so I will present the bill as the amendment. The original version is not the best way to approach this issue. However, there are a few reasons as to why a full-time county auditor should be elected and not appointed. I will also lay out some events that have been happening in Burleigh County going back to 2020.

The first reason a county auditor should be elected is because they are held accountable by the public as opposed to merely a few county commissioners. This can lead a county auditor to increase their focus on issues that matter to taxpayers and voters. Chapter 11-13 of the North Dakota Century Code (NDCC) lists all the duties and responsibilities of a county auditor. NDCC 11-13-04 states that the county auditor is the official Chief Financial Officer of the county. With a critical full-time job like a county auditor, we should make sure these positions are held accountable by the voters. If voters decide they want their auditor appointed, then that should be decided by them in a transparent manner.

Another reason we should have full-time auditors elected is because of the public engagement. Having this position on the ballot will cause more voters to pay attention to the county finances and elections. We need more civic engagement with more citizens actively involved in monitoring local government spending and policy.

One of the other reasons for having full-time auditors elected is the possibility of having institutional knowledge. Assuming an auditor is doing their job in good faith and truly representing the people residing in the county, they should be re-elected. This can lead to an auditor being in the position for a longer amount of time and gaining institutional knowledge others may not know. An example of this would be former Burleigh County sheriff Bob Harvey who was our sheriff from 1974 until retiring in 2002. I can't imagine the kind of knowledge he gained over the years that most people do not know.

The biggest benefit of an elected auditor as mentioned earlier is being held accountable by the public and not a select few county commissioners. However, there have been efforts in Burleigh County to make this job appointed going back to 2020. In the 2020 primary election, it was placed on the ballot by the county commission to appoint the auditor rather than elect. I have included the election results, and the language as presented on the ballot to voters. As you can see, the measure failed by a wide margin. The people of Burleigh County decided they want to be able to vote for their county auditor.

In 2022, this was attempted again. This time, the ballot language did not include anything about the auditor being appointed. The ballot language only mentions adopting ordinances. As you can see, it narrowly passed. Intentionally or not, this clearly mislead voters within Burleigh County. Since the measure failed in 2020 by such a wide margin, I suspect that it would have failed in 2022 if the ballot language mentioned the position being appointed. The notice was published in the Bismarck Tribune but not everybody reads the Bismarck Tribune. On top of that, how many people read notices in their entirety?

I do apologize for this amendment not being the original bill. My goal with this amendment is to ensure this does not happen again anywhere else. These decisions on the local level should be transparent and honest. With this amendment, we are still allowing local control, but clearly, we need to address this issue of ballot language.

11-13-02. Duties of county auditor.

The county auditor shall:

1. Act as clerk of the board of county commissioners and keep an accurate record of the official proceedings of the board.
2. Prepare a financial statement of the county annually unless otherwise ordered by the board of county commissioners.
3. Upon receipt of any document, bond, or other paper required to be filed in the auditor's office, number and index the same and make the proper entries in the reception book.
4. Carefully preserve all documents, books, records, maps, and other papers required to be deposited or kept in the auditor's office.
5. Have recorded in the office of the recorder all bonds not issued by the state bonding fund that are required to be deposited in the auditor's office.
6. Perform and transact all county business without extra compensation.
7. Keep all books required to be kept by the board of county commissioners.
8. File and preserve in the auditor's office all accounts, vouchers, and other papers pertaining to the settlement of any and all accounts to which the county is a party, and copies of such papers certified under the hand and seal of the auditor shall be admitted as evidence in all courts in this state.
9. Perform all acts required of the auditor relative to the making out and delivering of notices of general and special elections, making abstracts of and canvassing the votes cast at an election, issuing certificates of election, and forwarding the abstract of votes cast to the secretary of state.
10. On or before August first of each odd-numbered year, report to the insurance commissioner the sound depreciated value of each county building or risk, and the contents therein.
11. On going out of office, deliver to the successor in office all moneys, books, records, documents, maps, papers, vouchers, and other property in the auditor's hands belonging to the county, and in case of the death of the auditor, the auditor's personal representatives shall deliver the same to the auditor's successor.
12. Do and perform all acts not enumerated in this section which the auditor is required to do by law.

Burleigh County Measure No. 1 08 -
Burleigh
Vote For 1

Precincts Fully: 36 / 36
Partially: 0 / 36

☐ Track this Contest

EXPORT



● Yes

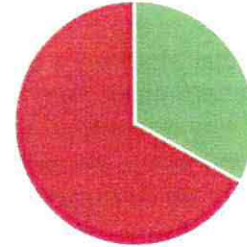
7,036 33.01%

● No ✓

14,277 66.99%

TOTAL VOTES 21,313

Bar Graph | Map



PRECINCT

TOP ↑

STATE OF NORTH DAKOTA	BURLEIGH COUNTY	Sunrise School
NO-PARTY PRIMARY BALLOT To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate. To vote for a person whose name is not printed on the ballot, you must darken the oval (●) next to the blank line provided and write that person's name on the blank line.	Director, Garrison Diversion Conservancy Vote for no more than ONE name <input type="radio"/> Larry Kassian	MEASURES BALLOT Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure.
Superintendent of Public Instruction Vote for no more than ONE name Brandt J Dick Charles J Tuttle Kirsten Baesler	Commissioner City of Bismarck Vote for no more than TWO names <input type="radio"/> Brandt Jude <input type="radio"/> Michael Connelly <input type="radio"/> Steve Marquardt <input type="radio"/> Mark Splonskowski	Burleigh County Measure No. 1 Shall the Burleigh County Home Rule Charter Amendment, as published in the Bismarck Tribune, be approved to remove the requirement that the offices of the County Auditor/Treasurer and County Recorder be elected positions? <input type="radio"/> Yes - Means you approve the Burleigh County Home Rule Charter Amendment. <input type="radio"/> No - Means you do not approve the Burleigh County Home Rule Charter Amendment.
Justice of the Supreme Court Vote for no more than ONE name Jon Jay Jensen	Municipal Judge City of Bismarck Vote for no more than ONE name <input type="radio"/> William Severin	City of Bismarck City Measure No. 1 Shall Article 3 of the Home Rule Charter for the City of Bismarck be amended: To amend Article 3, section 17 to add an additional 1/2 cent sales, use and gross receipts tax with the proceeds to be dedicated exclusively to construct one new indoor community recreation center by the Bismarck Parks and Recreation District with said tax to be levied once the bonds up to \$100 million used to fund the construction of the complex are paid in full. <input type="radio"/> Yes - Means you approve the measure as summarized above. <input type="radio"/> No - Means you reject the measure as summarized above.
Judge of the District Court South Central Judicial District Judgeship No. 1 Vote for no more than ONE name David Reich	Park Board Member City of Bismarck Vote for no more than TWO names <input type="radio"/> Wayne Munson <input type="radio"/> Andrew Jordan	
Judge of the District Court South Central Judicial District Judgeship No. 2 Unexpired 2-Year Term Vote for no more than ONE name Douglas Bahr	School Board Member Bismarck Public School Dist. 1 Vote for no more than TWO names <input type="radio"/> Brooke LeBeau <input type="radio"/> Kristine Johnson <input type="radio"/> Sargianna Wutso <input type="radio"/> Dan Eastgate <input type="radio"/> Donnell Treske <input type="radio"/> Karen D... <input type="radio"/> Nicholas...	
Judge of the District Court South Central Judicial District Judgeship No. 7 Vote for no more than ONE name Bonnie Storbakken Gabrielle Goter Scott R Miller		
Judge of the District Court South Central Judicial District Judgeship No. 8 Vote for no more than ONE name James S Hill		
County Commissioner Vote for no more than TWO names Brian Bitner Becky Matthews Jerry Woodcox Brian Geloff		City of Bismarck City Measure No. 2 Shall a complete summary of the minutes of Bismarck City Commission meetings be published in the official newspaper? <input type="radio"/> Yes - Means you approve the printing of a complete summary of the Bismarck City Commission minutes in the official newspaper. <input type="radio"/> No - Means you reject the printing of a complete summary of the Bismarck City Commission minutes in the official newspaper.
County Auditor/Treasurer Unexpired 2-Year Term Vote for no more than ONE name Tracy Potter Dale Patrick Leo Vetter		Bismarck School District Measure No. 1 Shall a record of the proceedings of the Bismarck School Board be published in the official newspaper of the district? <input type="radio"/> Yes <input type="radio"/> No
Sunrise School		VOTE BOTH SIDES Typ 01 Seq 0004 5pi 01

Burleigh County Measure No. 1 relating to the Home Rule Charter. 08 - Burleigh
Vote For 1

Precincts Fully: 30 / 30
Partially: 0 / 30

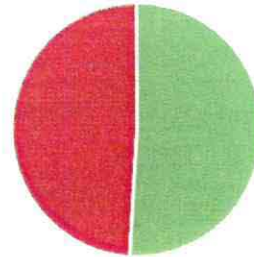
☐ Track this Contest

EXPORT



<div><div></div> Yes ✓</div>	15,409	50.99%
<div><div></div> No</div>	14,811	49.01%
TOTAL VOTES	30,220	

Bar Graph | Map



PRECINCT

TOP ↑

STATE OF NORTH DAKOTA	BURLEIGH COUNTY	Wilton County Shop 0801
NO-PARTY BALLOT To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate. To vote for a person whose name is not printed on the ballot, you must darken the oval (●) next to the blank line provided and write that person's name on the blank line.	MEASURES BALLOT Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure.	Burleigh County Measure No. 1 Shall Burleigh County adopt the Home Rule Charter as published in The Bismarck Tribune?
County Commissioner at Large Vote for no more than THREE names	Initiated Constitutional Measure No. 1 This initiated measure would add a new article to the North Dakota Constitution. Under the measure, an individual could not serve as a state legislator for a total of more than eight years in either the North Dakota House of Representatives or the North Dakota Senate, separately. It also would prohibit an individual from being elected as Governor more than twice. Service as a member of the legislature or election to the office of governor before the effective date of this measure would not count towards an individual's eight-year or two-election limit. An individual would not be allowed to serve a full or remaining term as a member of the legislature if serving the term would cause the individual to serve a total of more than eight years in that particular house. Any amendment to this article could not be proposed by the legislature, but only by citizen initiative. The article would become effective on January 2023 if approved by the voters. If the measure conflicts with any other provision of the constitution, the measure states it would prevail over the other constitutional provision.	<input type="radio"/> Yes - A yes vote means you approve the changes to the original home rule charter to give the County Commission and the citizens the authority to adopt ordinances. <input type="radio"/> No - A no vote means you do not approve the changes to the home rule charter and the original home rule charter remains in effect.
County Auditor/Treasurer Vote for no more than ONE name	The estimated fiscal impact of this measure is \$0 per biennium.	
<input type="radio"/> Mark Splonskowski <input type="radio"/> Kirsten Dvorak <input type="radio"/>	<input type="radio"/> Yes - means you approve the measure summarized above. <input type="radio"/> No - means you reject the measure summarized above.	
County State's Attorney Vote for no more than ONE name	Initiated Statutory Measure No. 2 This initiated measure would create a new chapter of the North Dakota Century Code. It would legalize the production, processing, and sale of cannabis and the possession and use of various forms of cannabis by individuals who are 21 years of age or older, within limitations as to location; direct a state entity to regulate and register businesses that produce or dispense cannabis for use by individuals aged 21 years or older, and the businesses' agents; permit an individual aged 21 years or older to possess a limited amount of cannabis product; provide protections, limitations, penalties, and employer rights relating to use of cannabis products; and specify that fees are to be appropriated for administration of the chapter.	
County Recorder Vote for no more than ONE name	The estimated fiscal impact of this measure beginning in 2023 through the 2025-2027 Biennium is Revenue of \$3,145,000 and Expenses of \$4,985,000.	
<input type="radio"/> Missy Hanson <input type="radio"/>	<input type="radio"/> Yes - means you approve the measure summarized above. <input type="radio"/> No - means you reject the measure summarized above.	
County Sheriff Vote for no more than ONE name		
<input type="radio"/> Kelly Leben <input type="radio"/>		
Supervisor, Soil Conservation District Burleigh County Soil Conservation District Vote for no more than ONE name		
<input type="radio"/> Jeremy Saeman <input type="radio"/>		
County Official Newspaper Vote for no more than ONE name		
<input type="radio"/> The Bismarck Tribune		
08080101	Wilton County Shop 0801	Typ:01 Seq:0006 Spt:01

VOTE BOTH SIDES

Public Notices

County 1500 from 123 Ave NE & 97 Ave NE. Total Run Located at 910 Industrial Dr. Bismarck ND 58501 701-258-3451, 10/20, 21, 22, 24, 25, 26 & 27 - 59934

NOTICE OF SALE:

YOU ARE HERIN NOTIFIED that 34th Street Storage by RJR Maintenance and Management, 3519 OH Red Trail, Mandan, North Dakota will conduct a public auction of abandoned personal property in units 152 and 1215 on the 21st day of October 2022 at 10:00 AM. The sale shall occur at 3015 34th St NW Mandan, North Dakota. Terms of Sale: Cash only. Questions should be directed to RJR Maintenance and Management, 1106 32nd Ave SE Mandan, North Dakota 58504 (701) 662-1736. 34th Street Storage By: Jacqueline Fader, Jacqueline Fader, Agent RJR Maintenance and Management 107, 14 & 21 - 52473

NOTICE OF SALE:

YOU ARE HERIN NOTIFIED that All Purpose Storage, DBA 19th St. Storage by RJR Maintenance and Management will conduct a public auction of abandoned personal property in unit 155 D-B and 13 and unit 35-A-48 on the 21st day of October 2022 at One thirty P.M. The sale shall occur at 4302 19th St SE, Mandan, North Dakota, Terms of Sale: Cash Only. Questions should be directed to RJR Maintenance and Management, 1106 32nd Ave SE Mandan, North Dakota 58504 (701) 662-1736. 19th Street Storage By: Jacqueline Fader, Jacqueline Fader, Agent RJR Maintenance and Management 107, 14 & 21 - 52473

NOTICE OF SALE:

YOU ARE HERIN NOTIFIED that West River Properties, DBA West River Storage by RJR Maintenance and Management, 4439 Memorial Hwy, Mandan, North Dakota will conduct a public auction of abandoned personal property in unit #601 and 4618 on the 21st day of October 2022 at Two O'Clock P.M. The sale shall occur at 1439 Memorial Hwy, Mandan, North Dakota. Terms of Sale: Cash Only. Questions should be directed to RJR Maintenance and Management, 1106 32nd Ave SE Mandan, North Dakota 58504 (701) 662-1736. West River Properties By: Jacqueline Fader, Jacqueline Fader, Agent RJR Maintenance and Management 107, 14 & 21 - 52473

Public Notice

Notice is hereby given that the Lincoln Planning and Zoning Commission will hold a public hearing Tuesday October 25, at 7:00 PM at Lincoln City Hall, 74 Sanborn Road, Lincoln, North Dakota, to consider the following item: Consideration of Final Plat and PUD Amendment for Evergreen Cove 2nd and 3rd with legal description of part of SE 1/4 of Section 18, T138N R79W. At the hearing, all interested persons will have an opportunity to be heard with respect to this item. A copy of this application may be viewed between 7:30 AM and 5:00 PM, Monday-Thursday and Friday 7:30 AM-12:00 PM, at the city auditor's office at 74 Sanborn Road, Lincoln, North Dakota 58048. 10/14 & 21 - 52747

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

SECTION NO 0206-INVITATION TO BID

PROJECT: State Capital Mechanical Upgrade - REBID CG Scope of Work Only
State of North Dakota
600 East Boulevard
Bismarck ND 58505
BIDS CLOSE: Nov. 14, 2022, 2:00 P.M.

EAPC PROJECT # 2022140
DATE OF ISSUE Oct 21, 2022
BY EAPC Architects Engineers
116 West Main Ave
Bismarck ND 58501
PHONE: 701-258-2546
OUTLINE OF PROJECT: General clean-up and new, add-on above legislative chambers, suspended plaster ceilings, new doors and hardware, wall demo, painting and finish partition work. Work by other contractors for information, remove and replace legislative wing air handler systems. Modifications to air distribution & ducting of systems serving legislative wing as well as doing systems serving new air handlers. New stand-alone system serving heating water piping system including a split & base heat exchanger for utilization where steam is available & a natural gas boiler where steam is not available. Remove & replace water cooled chiller in Judicial wing. Remove and replace Haugland room heat pumps with hot water in tube & chiller water fan coils. Proposed modifications to existing judicial wing heating water system including the Phase 1 addition of supplemental natural gas boilers and the Phase 2 removal of an existing split & base heat exchanger to be replaced by another natural gas boiler. Modifications to air handlers in mechanical rooms due to new room layouts. Planned work to be coordinated with owner and schedule of Legislative Services.

TYPE OF BIDS: Separate bids will be received from qualified bidders at the same time on the following portions of the work, separately as listed or combined at the Bidders option.
General Contract
Mechanical Contract & Electrical Contract already bid and awarded.
THE OWNER: John Boyle, Director - Facilities Management
600 East Boulevard
Bismarck, ND 58505
BID PLACE: Room 101 in ND State Capitol Judicial Wing
600 East Boulevard
Bismarck, ND 58505

Bids received after the designated time will not be accepted. All interested parties are invited to attend. Bids will be opened and publicly read aloud. It is the Bidders responsibility to see that required or delivered Bids are in the hands of the Owner prior to the time of the bid opening.
OBSTACLING DOCUMENTS: Drawings and Specifications may be examined at the Architect/Engineers office and the Owners office at the address shown above and.
CND Construction Market Data (www.cndmkt.com)
Design Plan Room (www.construction.com)
ISRF (www.isrf.com)
Bismarck, SD: Chubb; Minnesota Builders Exchange in Minneapolis
North Dakota: Bismarck-Mandan; Construction Plans Exchange in Bismarck; Dickinson; FM Builders Exchange; Grand Forks; Minot; Williston
South Dakota: Aberdeen; Construction Industry Center in Rapid City; Platts Builders Exchange in Sioux Falls; Sioux Falls Builders Exchange
Montana: Builders Exchange at Billings
Wyoming: Northeast Wyoming Plan

PUBLIC NOTICE OF ZONING ORDINANCE CHANGE

Notice is hereby given that the Board of Burleigh County Commissioners, on October 17, 2022, approved an ordinance amending the 1972 Zoning Ordinance of Burleigh County as follows:
Amendment, Article 33 of the 1972 Amended Zoning Ordinance of Burleigh County, North Dakota is hereby amended and re-enacted as follows:

The following described property:
MENCKEN TOWNSHIP Section 27
AUDITOR'S LOT A OF SW 1/4 SW 1/4 IRR
PLAT 807056 431855 492750 807627-28
27-139-78
Shall be legally and rightfully considered as a subdivision of Burleigh County, North Dakota.

St. Hilgand Subdivision, Burleigh County, North Dakota
Taking Effect: This ordinance shall be in full force and effect thirty (30) days after first publication of this notice unless a petition for a separate hearing is filed pursuant to N.D.C.C. Section 11-20-10.

This ordinance is available for review during normal office hours in the Burleigh County Building, Planning and Zoning Department, 221 N. 5th Street, Bismarck, ND.

By Leo Venter, Burleigh County Auditor
For the Board of Burleigh County Commissioners
Dated this 18th day of October, 2022
10/21 & 28 - 53087

PUBLIC HEARING NOTICE

Notice is hereby given that the Burleigh Planning and Zoning Commission will hold public hearings on Wednesday, October 26, 2022, at 5:00 p.m. in the Town Board Meeting Room, City-County Building, 221 North 5th Street, Bismarck, North Dakota, to consider the following items:

- Request of Calvin and Brenda Metz and Frank Properties, LLC for approval of a zoning change from the A - Agricultural zoning district to the CG - Commercial zoning district and a major subdivision final plat for Frank Addition, a two-lot subdivision on 1.76 acres. The property is located in north Bismarck, north of 43rd Avenue NE, along the west side of 66th Street (east of the SW 1/4 of Section 16, T139 R80W City Land).
- Request of Tim and Deb Staloch for approval of a zoning change from the A - Agricultural zoning district to the RRS - Residential zoning district and a major subdivision final plat for Aster Ridge Subdivision, a four-lot subdivision on 40.5 acres. The property is located northeast of Bismarck, between 57th Avenue NE and 71st Avenue NE, along the west side of 66th Street NE (east of the NE 1/4 of Section 7, T139 R79W Gibbs Township).
- Request of Daniel Brundall for approval of a zoning change from the A - Agricultural zoning district to the RRS - Residential zoning district and a major subdivision final plat for Brundall Subdivision, a four-lot subdivision on 39.95 acres. The property is located southeast of Bismarck, in the northeast quadrant of the intersection of 66th Street SE and 55th Avenue SE (the SE 1/4 of the NE 1/4 of Section 20, T138N R80W Apple Creek Township).

Request of Albert Penix, LLC for approval of a special use permit to increase the total area of accessory buildings to 3,200 square feet on Lot 7, Block 3, Pleasant Valley Subdivision. The property is located northeast of Bismarck, west of Commercial Road and south of 71st Avenue NE (1600 Ramsey Road).
Request of 4 Star Properties, LLC for approval of a special use permit to allow an electronic message center sign adjacent to a residential area on Lot 2, Block 1, Carols Addition. The property is

PUBLIC NOTICE OF ZONING ORDINANCE CHANGE

Notice is hereby given that the Board of Burleigh County Commissioners, on October 17, 2022, approved an ordinance amending the 1972 Zoning Ordinance of Burleigh County as follows:
Amendment, Article 33 of the 1972 Amended Zoning Ordinance of Burleigh County, North Dakota is hereby amended and re-enacted as follows:

The following described property:
MCKENZIE TOWNSHIP Section 28 N 28W1/4
Shall be legally and rightfully considered as a subdivision of Burleigh County, North Dakota.

Old Ten Subdivision, Burleigh County, North Dakota
Taking Effect: This ordinance shall be in full force and effect thirty (30) days after first publication of this notice unless a petition for a separate hearing is filed pursuant to N.D.C.C. Section 11-20-10.

This ordinance is available for review during normal office hours in the Burleigh County Building, Planning and Zoning Department, 221 N. 5th Street, Bismarck, ND.

By Leo Venter, Burleigh County Auditor
For the Board of Burleigh County Commissioners
Dated this 18th day of October, 2022
10/21 & 28 - 53088

ALEX N. RUFF
State Bar ID No. 00661

KELSH RUFF KRANDA NAGLE & LUDWIG
103 Collins Avenue, PO Box 1266
Mandan ND 58554
Telephone (701) 663-8818
Fax: (701) 663-5810 Email: arruff@kelshruff.com

Attorneys for Estate
IN THE DISTRICT COURT OF BURLEIGH COUNTY, SOUTH CENTRAL JUDICIAL DISTRICT, STATE OF NORTH DAKOTA
In the Matter of the Estate of Mary E. Wiley, AKA Mary Wiley, Deceased.
Probate No. 09-2022 PR-00134

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned have been appointed personal representatives of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication or mailing of this notice or said claims will be forever barred. Claims must either be presented to Lynn N. Henke, personal representative of the estate at P.O. Box 1266 Mandan, North Dakota 58554-2756 or filed with this Court.
Dated this 28th day of September, 2022
Lynn N. Henke
Personal Representative
First Publication on the 27th day of October, 2022.
10/7, 14 & 21 - 52636

PUBLIC HEARING NOTICE

Notice is hereby given that the Burleigh City Commission will hold public hearings on Tuesday, October 25, 2022, at 5:15 p.m. in the Town Board Meeting Room, City-County Building, 221 North 5th Street, Bismarck, North Dakota, to consider the following items:

- Request of TFR, LLP, Bedford Access Terminal, LLC, and Ronald and Ruth Knutson for approval of a zoning change from the RT - Residential and CG - Commercial zoning district for Daybreak Second Addition, a 12-lot subdivision on 124.61 acres. The property is located in north Bismarck, north of 57th Avenue NE along the west side of US Highway 83 (State Street east of Section 9

BURLEIGH COUNTY HOME RULE CHARTER APPEARING ON THE GENERAL ELECTION BALLOT NOVEMBER 8, 2022

The following Home Rule Charter will appear on the Burleigh County General Election ballot on November 8, 2022. This publication is to assist voters to become familiar with the Home Rule Charter. The following is the complete Burleigh County Home Rule Charter.

Preamble

We, the people of Burleigh County, do establish this Home Rule Charter, and this charter, the Home Rule powers of Burleigh County will be vested in the Board of County Commissioners.

Article I - Board of County Commissioners to Exercise Powers
Subject to the limitations imposed by the North Dakota Constitution, state law, and this charter, the Home Rule powers of Burleigh County will be vested in the Board of County Commissioners.

Article II - Home Rule Powers of County

In addition to powers granted counties under the constitution and laws of the State of North Dakota, Burleigh County will have the power to:

1. Levy a one half of one percent (0.5%) sales, use, and gross receipts tax.
2. Provide for the adoption, amendment, repeal, extension, renewal, enforcement, and penalties for violation of ordinances, regulations, and resolutions to carry out its governmental and proprietary powers and to provide for public health, safety and welfare. However, this subsection does not confer any authority to regulate any industry or activity exclusively regulated by state or federal law or by rules adopted by a state or federal agency. This subsection does not confer the authority to regulate the private use of agricultural chemicals.

Section 1 - Sales, Use, and Gross Receipts Tax

Ordinances: All ordinances defined in chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments accepted by the North Dakota Legislative Assembly.

Collection and Administration: Where not in conflict with the provisions herein, the provisions of N.D.C.C. chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed.

Sales Tax Imposed: Subject to the provisions of N.D.C.C. § 11-09.1.03 and except as otherwise provided, or the sales and use tax of the State of North Dakota, a tax of one half of one percent (0.5%) is imposed upon the gross receipts of retailers from all sales of retail, including the leasing or renting of tangible personal property, within the corporate limits of the county of Burleigh, North Dakota.

Use Tax Imposed: Subject to the provisions of N.D.C.C. § 11-09.1.03 and except as otherwise provided, or and law of the State of North Dakota, a tax of one half of one percent (0.5%) is imposed upon the gross receipts of lessors from all sales of retail, including the leasing or renting of tangible personal property, within the corporate limits of the county of Burleigh, North Dakota.

Use Tax Imposed: Subject to the provisions of N.D.C.C. § 11-09.1.03 and except as otherwise provided, or and law of the State of North Dakota, a tax of one half of one percent (0.5%) is imposed upon the gross receipts of lessors from all sales of retail, including the leasing or renting of tangible personal property, within the corporate limits of the county of Burleigh, North Dakota.

Use Tax Imposed: Subject to the provisions of N.D.C.C. § 11-09.1.03 and except as otherwise provided, or and law of the State of North Dakota, a tax of one half of one percent (0.5%) is imposed upon the gross receipts of lessors from all sales of retail, including the leasing or renting of tangible personal property, within the corporate limits of the county of Burleigh, North Dakota.

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Use Tax Imposed: Subject to the provisions of N.D.C.C. § 11-09.1.03 and except as otherwise provided, or and law of the State of North Dakota, a tax of one half of one percent (0.5%) is imposed upon the gross receipts of lessors from all sales of retail, including the leasing or renting of tangible personal property, within the corporate limits of the county of Burleigh, North Dakota.

Burleigh County Auditor/Recorder is hereby authorized in contract with the Tax Commissioner for administrative and collection of taxes imposed. The County Auditor/Recorder has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner, the failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner.

Dedication of Tax Proceeds: All revenues raised and collected under this charter, less administrative expenses shall be dedicated only to the construction of a Detention Center and the remodeling of the current Detention Center.

Compensation: County sales, use, and gross receipts tax, permit, makers are allowed to retain a portion of tax collected to help recover administrative expenses. This compensation shall equal 30% percent of the county tax due. However, the deduction is limited to \$83.33 per month or \$250 per quarter. A tax return must be filed and paid in full by the scheduled due date of the compensation will be calculated and the tax obligation will be placed to penalty and interest.

Sales Tax Termination Date: The sales tax shall expire when all necessary funds for the construction of the Detention Center and the remodeling of the current Detention Center are collected. At such point notice will be provided to the Office of the Tax Commissioner of the county data. Such will be provided at least ninety days prior to the start of a calendar year.

Section 2 - Adoption of Ordinances and Resolutions

Ordinances: An ordinance is any enactment by the Board of County Commissioners or the people which prescribes a permanent rule or statute governing the actions of persons or bodies.

A resolution is any enactment by the Board of County Commissioners or the people which defines policies or procedures governing the actions of persons or bodies for a limited period of time.

Procedures: Any enactment by the people or the Board of County Commissioners implementing charter provisions, or expanding or curtailing any of the powers or authorizations provided herein, will be in the form of ordinances or resolutions. Each ordinance or resolution introduced through the Board of County Commissioners will have two readings, with the first reading consisting of announcement of the title of the ordinance or resolution at a meeting of the Board of County Commissioners and publication of a summary of the enactment in the official newspaper of the county at least 20 days before the second reading.

The proposed enactment will then be given second reading, which will be by file, and submitted to a roll call vote of the Board of County Commissioners. If a majority of the elected commissioners concur, the enactment will become effective on the date stated in the enactment or if no date is stated on the first day of the month following the date of enactment.

Emergency Clause: If the emergency clause is included in the ordinance or resolution, the enactment will become effective on the date stated in the enactment or if no date is stated on the first day of the month following the date of enactment.

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INSTRUMENT

SOUTH CENTRAL JUDICIAL DISTRICT
State of North Dakota
Workforce Safety & Insurance
Printed: 1

Alfonso Fernandez Perez
223 Fernandez Drive, S.
Bismarck, ND 58103
Employer Account No. 1515103

SUMMONS

THE STATE OF NORTH DAKOTA TO
THE ABOVE NAMED DEFENDANT

You are hereby summoned and required to appear and defend against the attached complaint which is herewith served upon you, by serving upon the plaintiff an answer within twenty (21) days after the service of this summons upon you, exclusive of the date of service. If you fail to serve an answer, judgment by default will be taken against you for the relief demanded in the complaint.

Dated this 29th day of September, 2022.
s/ Anne Jorgensen Green
Anne Jorgensen Green
Special Assistant Attorney General
State Bar ID No. 05641
Workforce Safety & Insurance
PO Box 5584, Bismarck, ND 58106-0584
(701) 326-5600 / agreen@nd.gov
Attorney for Plaintiff
10/14 & 21 - 52517

THOMAS SEVERIN

Attorney at Law
913 Pendennis Drive
Bismarck, ND 58103
(701) 453-1411

Attorney for the Estate of Randall K. Wilson Deceased

IN THE DISTRICT COURT OF BURLEIGH COUNTY, STATE OF NORTH DAKOTA

In the Matter of the Estate of
Randall K. Wilson Deceased
Probate No 03-2022-PR00250

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that all persons having claims against the said decedent are required to present their claims within three months after the date of the first publication of this notice or said claims will be forever barred. Claims must be presented to Thomas W. Severin, Attorney at Law, 913 Pendennis Drive, Bismarck, ND 58103, or presented to the Court at Clerk of Court, Burleigh County, 514 E. Thayer Ave Bismarck, ND 58103.

Dated October 3, 2022
s/ Thomas W. Severin
Thomas W. Severin
Attorney at Law
913 Pendennis Drive
Bismarck, ND 58103
(701) 453-1411
tseverin@severinlaw.com
ND State Bar ID: 009807
10/14 & 21 - 52516

Room at Guest

If Contractor receives the bidding documents in a plain envelope, it is the Contractor's responsibility to contact EAPC Architects Engineers to be added to the plan holder list.

Complete digital project bidding documents are available from EAPC - Bismarck, Call 701-258-3115 or email: biddings@eapc.net for a digital copy.

An optional paper set of project documents is also available for a refundable price of \$100.00 per set from EAPC Architects Engineers, 116 West Main Ave, Bismarck, ND. If the Bidder returns the set of documents in good condition within 10 days following the Bid Date, the deposit will be refunded. If the Bidder does not return the set of documents within the designated time, none of the deposit will be refunded. Please allow 2 days for posting.

Partial or complete sets of prints and specifications may be obtained from EAPC by other than the above. The sets or partial sets will be distributed upon receipt of payment for the information charged at the current reproduction rate. None of this payment will be refunded. Completeness and accuracy of the set of documents requested shall be the responsibility of the person making the request.

BID SECURITY. Bid Security in the amount of five (5%) percent of the Bid including all add alternates, must accompany each bid in accordance with 00 1000 - Instructions to Bidders. Bidders Bond cashiers checks or certified checks will be accepted.

NORTH DAKOTA LAW. All bidders must be licensed for the highest amount of their bids as provided by North Dakota Century Code Section 43-07-02, and no bid will be read or considered which does not fully comply with the above provisions as to bond and licenses, and any bid deficient in these respects submitted will be re-sealed and returned to the bidder immediately.

PRE-BID MEETING. There is a scheduled Pre-Bid Meeting. Contractors wishing to visit the site please contact Tom Job, Project Manager with Facility Management at the Capitol.

BID SUBMISSION. Bids shall be submitted to the person and place, and by the time indicated in 00 02000 - Invitation to Bid. Bids shall be packaged in accordance with 00 1000 - Instructions to Bidders.

THE OWNER reserves the right to name irregular bids, to reject bids and to hold all bids for a period of 30 days after the date fixed for the opening thereof.
By order of: Tom Job, Project Manager
EAPC Project 20221140, Published Oct 21, 20, and Nov 4
END OF SECTION 00 0200
10/14 & 21 - 52516

located in north Bismarck, in the southwest quadrant of the intersection of North Washington Street and Buckskin Avenue (125 Buckskin Avenue).

* Request of Brittain Schuster for approval of a special use permit to increase the total area of accessory buildings to 3200 square feet on Lot 4, Block 3, Apple Meadows First Subdivision. The property is located east of Bismarck, south of County Highway 10 East Main Avenue, west of 87th Street NE, at the intersection of Bacon Lane and Benton Loop (2921 Bacon Loop).

* Request of Peter Hieser for approval of a special use permit to rezone the total area of accessory buildings to 3200 square feet on Lot 3, Block 6, Grande Plaza Estates Third Subdivision. The property is located northeast of Bismarck, north of 43rd Avenue NE and west of Commercial Road, along the east side of Junction Road (5221 Junction Road).

At the meeting, the Bismarck Planning & Zoning Commission will provide an opportunity for all interested parties to be heard with respect to these items. Interested parties may submit written or oral comments regarding these requests in lieu of 8:00 AM the day of the meeting to the Community Development Department, PO Box 3503, Bismarck, North Dakota 58103-5503, fax 701-222-6450 or email: planning@bismarcknd.gov. Written comments received after 4:00 PM on Wednesday, October 26, 2022 and those submitted anonymously will not be forwarded to the Planning & Zoning Commissioners or included in the minutes of the meeting. Interested persons may also call 701-355-1840 with questions, for additional information, or to facilitate alternate means to appear at the public hearing without having to appear in person.

Descriptions of these requests are on file and may be viewed or copied any working day between 8:00 a.m. and 5:00 p.m. at the Bismarck Community Development Department, 221 North 5th Street, Bismarck, North Dakota.

For Bismarck Planning & Zoning Commission
Dated this 10th day of October, 2022.
10/14 & 21 - 52748

Ben Ehren, AICP, Community Development Director
For Bismarck Planning & Zoning Commission
Dated this 10th day of October, 2022.
10/14 & 21 - 52748

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For Bismarck Planning & Zoning Commission
Dated this 10th day of October, 2022.
10/14 & 21 - 52748

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For Bismarck Planning & Zoning Commission
Dated this 10th day of October, 2022.
10/14 & 21 - 52748

Ben Ehren, AICP, Community Development Director
For Bismarck Planning & Zoning Commission
Dated this 10th day of October, 2022.
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1139N-BROWNE City Limits and Hay Creek Township.

* Request of Denzen Properties, LLC and the City of Bismarck for approval of a zoning change from the P-Public zoning district to the P-Public and PUD-Planned Unit Development zoning districts for Municipal Fourth Addition First Regist, a 3.1-acre subdivision on 33.4 acres. The property is located in west Bismarck along the south and west sides of Edwards Avenue (a repave of Municipal Fourth Addition).

* Request of Holiday Estates of Bismarck, LLC for approval of a zoning change from the CG - Commercial zoning district to the RMH - Residential zoning district for Lots 1-18, Block 10 and the N1/2 of the vacated Ingas Avenue adjacent to Lot 1, Block 10, Lots 1-24, Block 10; all of the vacated Ingas Avenue adjacent to Block 10 and 10; and Lots 1-5 and 13-24, Block 18 and the N1/2 of the vacated Michigan Avenue adjacent to Block 18, 10th Addition. The property is located in south-central Bismarck, on both sides of South 8th Street between East Ingas Avenue and the vacated East Michigan Avenue.

At the hearing, the Bismarck City Commission will provide an opportunity for all interested parties to be heard with respect to this item. The City of Bismarck is encouraging citizens to provide their comments for this hearing via email to bismarckadmin@bismarcknd.gov. The comments will be sent to the City Commissioners and included with the minutes of the meeting. Please submit your written comments by 3:30 p.m. on the day of the meeting and reference the specific item your comment addresses, including the agenda item.

Citizens may also appear via video or audio link for a 3-5 minute comment via this public hearing item by providing an e-mail address and contact information via email to bismarckadmin@bismarcknd.gov at least one business day before the meeting.

A description of this request may be viewed at our website at www.bismarcknd.gov or by contacting the Community Development Department - Planning Division at planning@bismarcknd.gov or 701-355-1840.

BOARD OF CITY COMMISSIONERS
BISMARCK, NORTH DAKOTA
Attest: Keith J. Huske
City Administrator
Dated this 10th day of October, 2022.
10/14 & 21 - 52749

Keith J. Huske, City Administrator
For Bismarck Planning & Zoning Commission
Dated this 10th day of October, 2022.
10/14 & 21 - 52749

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For Bismarck Planning & Zoning Commission
Dated this 10th day of October, 2022.
10/14 & 21 - 52749

property. An excise tax is imposed on the storage, use, or consumption within the corporate limits of the county of Burleigh, North Dakota, of tangible personal property not originally purchased for storage, use, or consumption in this county at the rate of one-half of one percent (1/2%) of the fair market value of the property at the time it was brought into this county.

With respect to the purchase price of tangible personal property used by a contractor or subcontractor to build a contract as defined in N.D.C.C. § 57-40-2-03.3, the tax imposed by this section applies only to bids submitted on or after the effective date of this Ordinance.

Gross Receipts of Alcoholic Beverages. Subject to the provisions of N.D.C.C. § 11-09-1-05, and except as otherwise provided, a gross receipts tax of one-half of one percent (1/2%) is imposed upon all gross receipts from the sale of alcoholic beverages within the county. A person who receives alcoholic beverages for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of these alcoholic beverages at the rate of one-half of one percent (1/2%).

Gross Receipts of New Farm Machinery and New Farm Irrigation Equipment. Subject to the provisions of N.D.C.C. § 11-09-1-05, and except as otherwise provided, a gross receipts tax of one-half of one percent (1/2%) is imposed upon all gross receipts from the sale of new farm machinery and new farm irrigation equipment within the county. A person who receives new farm machinery or new farm irrigation equipment for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of that machinery and/or equipment at the rate of one-half of one percent (1/2%).

Exemptions: No additional exemptions from imposition and computation of the county sales and use tax other than those provided by state law are provided for. Sales to contractors that are exempt pursuant to subsection 15 of N.D.C.C. § 57-38-2-04 shall be exempt from any county sales tax but contractors shall be subject to the county use tax on those items used within the county that would be taxed pursuant to N.D.C.C. § 57-40-2-03.3 on which the county sales tax has not previously been paid.

Maximum Tax Imposed: Any person or user paying a tax imposed in excess of \$25 upon any single transaction of one or more items may obtain a credit or refund of the excess tax at the time of purchase directly from the vendor or request a refund of the excess tax payment by filing a request for refund upon the forms provided by the Tax Commissioner.

Concurrent with Tax Commissioner's Tax

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of any political subdivision without its consent. No ordinance may be enacted to diminish the authority of the boards of supervisors of townships or change the structure of organized township government.

Article III - Elections
1. The Board of County Commissioners shall consist of five members who shall be elected on a nonpartisan ballot. All of the candidates seeking the office of county commissioner shall be voted upon by the qualified electors.

2. The Board of County Commissioners may follow state law concerning the organization and structure of elected county offices in accordance with state law.

3. The Board of County Commissioners may follow state law concerning the elected offices of the county auditor, treasurer and the county recorder and appointed offices. Any resolution to convert an elected office to an appointed office shall not shorten the term for which the official was elected nor reduce the salary of the official's office for that term.

4. The elected officers of the County Sheriff and County State's Attorney shall remain as elected positions vested in by the qualified electors.

Article IV - Amendments, Repeal and Termination
In the manner provided by state law, this charter may be amended or repealed by a proposal of the Board of County Commissioners or by petition bearing signatures of qualified voters at such time as in number to fifteen percent of the number of electors voting in the county for the office of governor in the last general election.

Respectfully submitted by the Bur

Burleigh County, as follows:
Amendment Article 33 of the 1972 Amended Zoning Ordinance of Burleigh County, North Dakota, is hereby amended and re-enacted, as follows:

The following described property:
MCKENZIE TOWNSHIP, Section 28, N1 25W14

Shall be legally and rightfully considered as a subdivision of Burleigh County, North Dakota.

On: Ten Subdivision, Burleigh County, North Dakota.

Having Effect: This ordinance shall be in full force and effect thirty (30) days after first publication of this notice unless a petition for a separate hearing is filed pursuant to N.D.C.C. Section 11-03-10.

This ordinance is available for review during normal office hours in the Burleigh County Building, Planning and Zoning Department, 221 N. 5th Street, Bismarck, ND.

By: Leo Vetter, Burleigh County Auditor.
For the Board of Burleigh County Commissioners.
Dated this 18th day of October, 2022.
10/21 & 28 - 53238

PUBLIC NOTICE OF ZONING ORDINANCE CHANGE

Notice is hereby given that the Board of Burleigh County Commissioners, on October 17, 2022, approved an ordinance amending the 1972 Zoning Ordinance of Burleigh County as follows:

Amendment Article 33 of the 1972 Amended Zoning Ordinance of Burleigh County, North Dakota, is hereby amended and re-enacted, as follows:

The following described property:
MENOKEN TOWNSHIP, Section 27, AUDITOR'S LOT 4 OF SW14SW14, RR PLAT 507066 401805 402790 807627-28 22-130-76

Shall be legally and rightfully considered as a subdivision of Burleigh County, North Dakota.

On: Attagone Subdivision, Burleigh County, North Dakota.

Having Effect: This ordinance shall be in full force and effect thirty (30) days after first publication of this notice unless a petition for a separate hearing is filed pursuant to N.D.C.C. Section 11-03-10.

This ordinance is available for review during normal office hours in the Burleigh County Building, Planning and Zoning Department, 221 N. 5th Street, Bismarck, ND.

By: Leo Vetter, Burleigh County Auditor.
For the Board of Burleigh County Commissioners.
Dated this 18th day of October, 2022.
10/21 & 28 - 43697

Notice is hereby given that the Board of Burleigh County Commissioners, on November 18, 2022.

10/28 - 53204

PUBLIC HEARING NOTICE

Notice is hereby given that the Bismarck City Commission will hold a public hearing on Tuesday, November 8, 2022, at 5:15 p.m. in the Tom Baker Meeting Room, City County Building, 221 North 5th Street, Bismarck, North Dakota, to consider the following item:

Request of TPR LLP, Beldfield Access Terminals, LLC, and Harold and Ruth Knudsen for approval of the annexation of that portion of Daybreak Second Addition not previously annexed, including all of Lot 1 Block 1, Lot 1, Block 2, Lot 1, Block 2 and those portions of Lots 1 & 2, Block 2 not previously annexed, Daybreak Second Addition, containing 33.90 acres, more or less. The property is located in north Bismarck, north of 57th Avenue NE along the west side of US Highway 83 State Street, part of Section 9, T138N-R62W-City Lands and Hay Creek Township.

At this hearing, the Bismarck City Commission will provide an opportunity for all interested parties to be heard with respect to this item. The City of Bismarck is encouraging citizens to provide their comments for this hearing via email to bismarck@bismarcknd.gov. The comments will be sent to the City Commissioners and included with the minutes of the meeting. Please submit your written comments by 3:30 p.m. on the day of the meeting and reference the specific item your comment addresses, including the agenda item.

Citizens may also appear via video or audio link for a 30-minute comment on this public hearing item by providing an email address and contact information via email to bismarck@bismarcknd.gov at least one business day before the meeting.

A description of this request may be viewed at our website at www.bismarcknd.gov or by contacting the Community Development Department - Planning Division at planning@bismarcknd.gov or 701-355-1840.

BOARD OF CITY COMMISSIONERS
BISMARCK, NORTH DAKOTA
Alfred Keith J. Hume
City Administrator

Dated this 24th day of October, 2022.
10/28 & 14 - 53213

North Dakota newspapers also post public notices that are printed in newspapers at www.ndpublicnotice.com at no additional charge to units of government.

BEK-578731, Bismarck Tribune \$140.40
Brady Martin \$425.00, Burleigh County
Detention CTR \$1375.00, Capital
Electric \$90.20, City of Bismarck \$356.08,
CivicPlus INC \$514.45, Dakota Post
Control \$95.00, Dakota Supply Group \$
1,194.65, Echoe Communications
\$73.50, Evox-Solus, Jennifer \$50.00,
Guardian Local & Sales INC \$15.00,
Herner, Beverly \$3.56, Richard
Holler \$42.00, Information Technology
Dept. \$96.86, 1-STATE Truck
Center \$314.54, Jester Remort \$25.00,
Johns Food Center \$23.16, Kuylen
Oakland \$214.00, Lincoln Repair \$7.50,
Lisa Aune \$38.00, 1-Ton
Corporation \$203.00, Jura
Makay \$300.00, Moore Engineering
\$45,310.00, Mountain Plains
LLC \$116,255.00, Napa Auto
Parts \$41.54, ND Dept of Health-Viscusi
copy \$41.00, ND Dept of Health-Chromy
copy \$503.16, NE Rural Water System
\$55.00, North Dakota Sailing
Council \$50.00, Northwest
Tire \$1,133.28, NRG Technology
Services \$8,635.76, One Call
Concepts \$22.10, Parkway
Properties \$2.31, Post Board \$270.00,
Rottler, Marjiah \$2,550.00,
Pawprint \$31.19, Pella Medical Serv-
ices INC \$40.00, RDO Truck
Center \$792.67, Rob Dickson \$116.43,
Ruthyn Kite \$42.00, Short Elliott Her-
rick INC \$1,531.53, Sun Shores \$50.00,
Sweep, Jan \$250.00, Terrill
Skyline \$21.00, Terry Schull \$50.00, Trans
Trash \$33,268.21, Tri Energy Corpora-
tion \$2,593.36, Vogel Law Firm \$21,055.00,
Whitcomb, Karen \$600.00

Auditor, Ryan presented State Auditor
recommendations for several policies.
Lenging moved to approve the Credit
Card Policy and Procedures, seconded by
Glass MCI.

Lenging moved to approve the Capital
Asset Policy, seconded by Glass, MCI.
Lenging moved to approve the Fraud
Prevention and Investigation Policy,
seconded by Glass MCI.

Lenging moved to approve the Fund
Balance in Accordance with GASB No.
54, seconded by Glass, MCI.
Glass moved to adjourn at 9:05 pm,
seconded by Davis, MCI.

President Carrie Plante
Auditor Lisa Aune
10/28 - 53198

Montana Butte's Exchange at Bileys
Wyoming, Northeast Wyoming, Plain
Room of Gilete

If Contractor receives the bidding
documents from a plans exchange it is
the Contractor's responsibility to contact
EAPC Architects Engineers to be added
to the plan bidders list.

Concrete digital project bidding docu-
ments are available from EAPC -
Bismarck, Call 701-259-3116 or email
brent.dunard@eapc.net for a digital copy.

An optional paper set of project
documents is also available for a
refundable price of \$100.00 per set from
EAPC Architects Engineers, 116 West
Main Ave. Bismarck, ND. If the Bidder
returns the set of documents, in good
condition, within 10 days following the Bid
Date, the deposit will be refunded. If the
Bidder does not return the set of
documents within the designated time,
none of the deposit will be refunded.
Please allow 2 days for posting.

Partial or complete sets of plans and
specifications may be obtained from
EAPC by other than the above. The sets
or partial sets will be distributed upon
receipt of payment for the information
charged at the current reproduction rate.
None of this payment will be refunded.
Completeness and accuracy of the list of
documents requested shall be the
responsibility of the person making the
request.

BID SECURITY: Bid Security in the
amount of five (5%) percent of the Bid
including all add alternates, must
accompany each Bid in accordance with
1000 - Instructions to Bidders. Bidders
Bond, cashier's checks or certified checks
will be accepted.

NORTH DAKOTA LAW: All bidders must
be licensed for the highest amount of their
bid, as provided by North Dakota
Century Code Section 43-07-07; and no
bid will be read or considered which does
not fully comply with the above provisions
as to bond and licenses, and any bid
deficient in these respects submitted will
be rejected and returned to the bidder
immediately.

PRE-BID MEETING: There is no
scheduled Pre-Bid Meeting. Contractors
wishing to visit the site please contact
Tom Job, Project Manager with Facility
Management at the Capital.

BID SUBMISSION: Bids shall be
submitted to the person and place and by
the time indicated in GO 02609 - Invitation
to Bid. Bids shall be packaged in
accordance with GO 1000 - Instructions to
Bidders.

THE OWNER reserves the right to waive
irregularities, to reject Bids and to hold at

the storage use or consumption within
the corporate limits of the county of
Burleigh, North Dakota, of tangible
personal property purchased at retail for
storage, use or consumption in this
county, at the rate of one half of one
percent (1/2%) of the purchase price of the
property. An excise tax is imposed on the
storage, use, or consumption within the
corporate limits of the county of Burleigh,
North Dakota, of tangible personal
property not originally purchased for
storage, use or consumption in this
county, at the rate of one half of one
percent (1/2%) of the fair market value of
the property at the time it was brought into
the county.

With respect to the purchase price of
tangible personal property used by a
contractor or subcontractor to fulfill a
contract as defined in N.D.C.C. §
57-04-03.3, the tax imposed by this
section applies only to bids submitted on
or after the effective date of this
Ordinance.

Gross Receipts of Alcoholic Beverage
tax: Subject to the provisions of N.D.C.C.
§ 11-09-1-05, and except as otherwise
provided, a gross receipts tax of one half
of one percent (1/2%) is imposed upon all
gross receipts from the sale of alcoholic
beverages within the county. A person
who receives alcoholic beverages for
storage, use, or consumption in this state
is subject to tax on storage, use, or
consumption of those alcoholic beverages
at the rate of one half of one percent
(1/2%).

Gross Receipts of New Farm Machi-
nery and New Farm Irrigation Equip-
ment: Subject to the provisions of
N.D.C.C. § 11-09-1-05, and except as
otherwise provided, a gross receipts tax
of one half of one percent (1/2%) is
imposed upon all gross receipts from the
sale of new farm machinery and new farm
irrigation equipment within the county. A
person who receives new farm machinery
or new farm irrigation equipment for
storage, use, or consumption in this state
is subject to tax on storage, use, or
consumption of that machinery and/or
equipment at the rate of one half of one
percent (1/2%).

Exemptions: No additional exemptions
from imposition and computation of the
county sales and use tax other than those
provided by state law are provided for.
Sales to contractors (B1) are exempt
pursuant to subsection 15 of N.D.C.C. §
57-09-2-01 shall be exempt from any
county sales tax, but contractors shall be
subject to the county use tax on those
items used within the county that would
be taxed pursuant to N.D.C.C.

enactment.
Initiative and Referendum: The powers
of initiative and referendum are reserved
to the electors of Burleigh County. The
applicable provisions of state law will
govern the method of powers of initiative
and referendum under this charter. The
number of signatures required to introduce
these powers is at least equal in number
to fifteen per cent of the number of
electors voting in the county at the office
of governor in the last general election.

Limitations: No ordinance enacted under
this charter will supersede any provision
of any general subdivision without its
consent.

No ordinance may be enacted to diminish
the authority of the boards of supervisors
of townships or change the structure of
organized township government.

Article III - Elections
1. The Board of County Commissioners
shall consist of five members who shall be
elected in a nonpartisan ballot. All of the
candidates seeking the office of county
commissioner shall be voted upon by the
qualified electors.

2. The Board of County Commissioners
may, from time to time, concerning the
organization and structure of elected
county officers in accordance with state
law.

3. The Board of County Commissioners
may follow state law concerning the
elected offices of the county auditor,
treasurer and the county recorder into
appointed offices. Any resolution to
convert an elected office to an appointed
office shall not shorten the term for which
the official was elected nor reduce the
salary of the official's office for that term.

4. The elected offices of the County
Sheriff and County State's Attorney shall
remain as elected positions and voted upon
by the qualified electors.

**Article IV - Amendments, Recall and
Termination**
In the manner provided by state law, this
charter may be amended or repealed by a
proposal of the Board of County
Commissioners or by petition bearing
signatures of qualified voters at least
equal in number to fifteen percent of the
number of electors voting in the county for
the office of governor in the last general
election.

Respectfully submitted by the Burleigh
County Home Rule Charter Commission
18th day of October, 2022
Mark Armstrong, Chairman

Enik White, Charter Commissioner
Brian Feltz, Charter Commissioner
Michael Connelly, Charter Commissioner
Dustin Gavrilov, Charter Commissioner
10/20 & 10/27 - 53001

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25.1062.02002
Title.

Prepared by the Legislative Council
staff for Representative Heilman
January 23, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1384

Introduced by

Representative Heilman

1 A BILL for an Act to amend and reenact section 11-10-02 of the North Dakota Century Code,
2 relating to the ~~election of a full time~~ reclassification procedure of the county auditor.

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

4 **SECTION 1. AMENDMENT.** Section 11-10-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-10-02. Number and election of county officers.**

7 1. Each organized county, unless it has adopted one of the optional forms of county
8 government provided by the code or has combined or separated the functions of
9 county offices or redesignated offices as elective or appointive pursuant to ~~under~~
10 chapter 11-10.2 or 11-10.3, must have the following officers:

11 4. a. One county auditor.

12 2. b. One recorder.

13 3. c. One county treasurer.

14 4. d. One coroner.

15 5. e. A board of county commissioners consisting of three or five members as provided
16 in this title.

17 2. ~~Notwithstanding chapter 11-10.2 or 11-10.3, if the county auditor as provided for in~~
18 ~~subsection 1 is a full time employee of the county, the county auditor must be an~~
19 ~~elective office. A county may not exercise any power under a home rule charter to~~
20 ~~circumvent this subsection. Before an elected county auditor position may be~~

- 1 reclassified as an appointed office under chapter 11-10.2 or 11-10.3, the board of
2 county commissioners shall adopt a resolution to reclassify the office. After approving
3 the resolution, the board of county commissioners shall hold an election to determine
4 the question posed to the qualified electors of the county. The election must be
5 conducted in the same manner as to amend a home rule charter of a county under
6 chapter 11-09.1. The ballot used in the election clearly must indicate an affirmative
7 vote for the question reclassifies the county auditor position as an appointive office. If
8 the majority of the voters approves the reclassification, the elected county auditor is
9 eligible to serve the remainder of the term for which the individual was elected. After
10 the expiration of the elected county auditor's term, the board of county commissioners
11 shall appoint an individual to serve as the county auditor. A county may not exercise
12 any power under a home rule charter to circumvent this section.
- 13 3. In addition, unless otherwise provided in section 11-10-02.3, each county must have
14 an elected state's attorney and an elected sheriff.
- 15 4. In counties having a population of six thousand or less, the recorder also serves as ex
16 officio clerk of the district court. The required officers must be chosen by the qualified
17 electors of the respective counties at the general election in each even-numbered
18 year, except the recorder, county auditor, treasurer, sheriff, and state's attorney, who
19 must be chosen in 1966 and every four years thereafter, the members of the board of
20 county commissioners, who must be chosen in the manner prescribed in section
21 11-11-02, and the county coroner, who must be chosen in the manner prescribed in
22 section 11-19.1-03.

County Auditor Election and Appointment

CHAPTER 11-09.1 Home Rule Counties

11-09.1-01. Methods of proposing home rule charter.

The board of county commissioners may on its own motion cause a home rule charter to be drafted and submitted for adoption to the electors of the county in the manner provided in this chapter. A home rule proposal may be initiated in a petition filed with the board of county commissioners and signed by qualified electors of the county not fewer in number than two percent of the population of the county.

11-09.1-05. Powers.

After the filing with the secretary of state of a charter approved in reasonable conformity with this chapter, *the county and its citizens may, **if included in the charter and implemented through ordinances:***

6. Provide for county elected and appointed officers and employees, their selection, powers, duties, qualifications, and compensation, and the terms of county appointed officers and employees. However, after adoption of a home rule charter, a county elected office may not be eliminated or combined with another office except upon approval of a majority of the electors of the county voting upon the question at a primary or general election or pursuant to the county officer combination, separation, or redesignation procedures of chapter 11-10.2. A home rule charter 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. This subsection does not authorize a county to redesignate the elected offices of sheriff and state's attorney as appointed, except as provided in section 11-10-02.3.

The people of all counties coming within this chapter have the full right of self-government in all matters within the powers enumerated in this chapter. *The statutes of this state, so far as applicable, continue to apply to counties, except as superseded by the charters of the counties or by ordinances passed pursuant to the charters.*

CHAPTER 11-10 General Provisions

11-10-02. Number and election of county officers.

Each organized county, unless it has adopted one of the optional forms of county government provided by the code or has combined or separated the functions of county offices or redesignated offices as elective or appointive pursuant to chapter 11-10.2 or 11-10.3, must have the following officers:

1. One county auditor.
2. One recorder.
3. One county treasurer.
4. One coroner.

5. A board of county commissioners consisting of three or five members as provided in this title.

CHAPTER 11-10.2 County Officer Combination, Separation, and Redesignation

11-10.2-01. County officer combination, separation, and redesignation options.

1. A county may, ***without requiring local citizens to permit county home rule powers:***

a. Combine any elective county office with one or more functionally related elective or appointive county offices;

b. Separate an elective county office into two or more elective or appointive offices; or

c. Redesignate an elective county office as an appointive office or an appointive office as an elective office.

2. A combination or separation of any elected or appointed county office may include the reassignment of any statutory function of that office or service provided by that office, but may not diminish the 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. *This option is available in addition to, or in lieu of, other county structural options authorized under this title, unless a specific mandate for combining or separating particular county offices is otherwise provided by law. The office of sheriff is excluded from the application of this chapter.*

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 question approves of its adoption, the plan is effective according to its terms.

11-10.2-03. Analysis required — Contents of plan — Limitations.

1. A proposed plan for combining or separating county elective offices, or redesignating a county office as elective or appointive, must be based on an analysis of each affected office, which may include an analysis of:

a. The existing office organization, functions, and procedures established for providing governmental services;

b. The proposed office organization, functions, and procedures; and

c. How the proposal may improve the effectiveness and efficiency of county government and its responsiveness and accountability to local citizens.

2. The analysis may be performed as part of a study process initiated pursuant to chapter 40-01.1.

3. A proposed plan for combining or separating county elective offices, or redesignating a county office as elective or appointive, may include provision for:

a. The selection, powers, duties, functions, qualifications and training, terms, and compensation of the affected county offices, notwithstanding any other law;

b. Selection, transfer, reassignment, or termination of personnel associated with each affected office;

c. The election or appointment of a county manager, notwithstanding the provisions of chapter 11-09;

d. Transition in implementation of the plan, including elements that consider the reasonable expectations of current officeholders such as 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;

e. 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, required reapproval of the plan by the electors at a future date, or a phased-in implementation of different components of the plan; and

f. Any other provision deemed necessary for combining or separating the offices or redesignating an office as elective or appointive.

4. A plan may not propose to 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 the 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.

5. 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 the county.

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1384
1/24/2025

A BILL for an Act to amend and reenact section 11-10-02 of the North Dakota Century Code, relating to the election of a full-time county auditor.

9:16 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Warrey

Members Absent: Representative Toman

Discussion Topics:

- Current county auditor laws
- Appointed vs elected county auditors

9:17 a.m. Representative Ostlie moved a Do Not Pass.

9:17 a.m. Representative Fegley seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	N
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

9:27 a.m. Motion Passed 11-1-1

9:27 a.m. Representative Fegley will carry the bill.

9:28 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1384 ([25.1062.02000](#))

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1384 was placed on the Eleventh order on the calendar.