

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1294

Introduced by

Representatives Kasper, Thoreson, Wrangham

Senator Fischer

1 A BILL for an Act to amend and reenact sections 11-09.1-04 and 40-05.1-05 of the North Dakota
2 Century Code, relating to prohibition of home rule counties and cities from superseding state
3 laws relating to special assessments and property tax assessments, levy limitations,
4 exemptions, credits, definitions, administration, or enforcement; and to provide an effective
5 date.

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

7 **SECTION 1. AMENDMENT.** Section 11-09.1-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **11-09.1-04. Ratification by majority vote - Supersession of existing charter and**
10 **conflicting state laws - Filing of copies of new charter.**

11 If a majority of the qualified electors voting on the charter at the election vote in favor of the
12 home rule charter, it is ratified and becomes the organic law of the county on the first day of
13 January or July next following the election, and extends to all its county matters. The charter
14 and the ordinances made pursuant to the charter in county matters must be liberally construed
15 to supersede within the territorial limits and jurisdiction of the county any conflicting state law
16 except for any state law as it applies to cities or any power of a city to govern its own affairs,
17 without the consent of the governing body of the city. The charter may not authorize the
18 enactment of ordinances to diminish the authority of a board of supervisors of a township or to
19 change the structure of township government in any organized civil township, without the
20 consent of the board of supervisors of the township. ~~No A charter or~~ ordinance of a home rule
21 county ~~shall may not~~ supersede section 49-22-16 nor any provision of state law relating to
22 special assessments, property tax assessments, levy limitations, exemptions, credits,
23 definitions, administration, or enforcement. One copy of the charter as ratified and approved
24 must be filed with the secretary of state; one with the recorder for the county, unless the board

1 of county commissioners designates a different official; and one with the auditor of the county to
2 remain as a part of its permanent records. Courts shall take judicial notice of the charter.

3 **SECTION 2. AMENDMENT.** Section 40-05.1-05 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **40-05.1-05. Ratification by majority vote - Supersession of existing charter and state**
6 **laws in conflict therewith - Filing of copies of new charter.**

7 If a majority of the qualified voters voting on the charter at the election vote in favor of the
8 home rule charter, the charter is ratified and is the organic law of the city, and extends to all its
9 local and city matters. The charter and the ordinances made pursuant to the charter in such
10 matters supersede within the territorial limits and other jurisdiction of the city any law of the
11 state in conflict with the charter and ordinances and must be liberally construed for such
12 purposes. A charter or ordinance of a home rule city may not supersede any provision of state
13 law relating to special assessments, property tax assessments, levy limitations, exemptions,
14 credits, definitions, administration, or enforcement. One copy of the charter ratified and
15 approved must be filed with the secretary of state and one with the auditor of the city to remain
16 as a part of its permanent records. Thereupon the courts shall take judicial notice of the new
17 charter.

18 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
19 December 31, 2010.