

**FIRST ENGROSSMENT
with House Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2198

Introduced by

Senators Cook, Wardner

Representatives Glassheim, Timm

1 A BILL for an Act to amend and reenact sections 40-05.1-05 and 40-05.1-07 of the North
2 Dakota Century Code, relating to the filing of copies of a new home rule charter and
3 amendment or repeal of city home rule charters.

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

5 **SECTION 1. AMENDMENT.** Section 40-05.1-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **40-05.1-05. Ratification by majority vote - Supersession of existing charter and**
8 **state laws in conflict therewith - Filing of copies of new charter.** If a majority of the
9 qualified voters voting on the charter at the election ~~shall~~ vote in favor of the home rule charter
10 ~~it shall be deemed to be, the charter is~~ ratified and ~~shall become~~ is the organic law of ~~such the~~
11 city, and ~~extend~~ extends to all its local and city matters. ~~Such The~~ charter and the ordinances
12 made pursuant ~~thereto to the charter~~ in such matters ~~shall~~ supersede within the territorial limits
13 and other jurisdiction of the city any law of the state in conflict ~~therewith~~ with the charter and
14 ordinances, and ~~shall~~ must be liberally construed for such purposes. One copy of the charter
15 ~~so~~ ratified and approved ~~shall~~ must be filed with the secretary of state, ~~one with the clerk of~~
16 ~~district court for the county in which the city is located~~, and one with the auditor of the city to
17 remain as a part of its permanent records. Thereupon the courts shall take judicial notice of the
18 new charter.

19 **SECTION 2. AMENDMENT.** Section 40-05.1-07 of the 1997 Supplement to the North
20 Dakota Century Code is amended and reenacted as follows:

21 **40-05.1-07. Amendment or repeal.** The home rule charter adopted by any city may
22 be amended or repealed by proposals submitted to and ratified by the qualified electors of the
23 city in the same general manner provided in section 40-05.1-02 and section 40-05.1-04 for the
24 adoption of ~~such the~~ charter. Amendments may be proposed by the governing body of the city

1 or by petition of the number of electors provided in section 40-05.1-02 and submitted to the
2 voters at the same election. The voters may at their option accept or reject any or all of ~~such~~
3 the amendments by a majority vote of qualified electors voting on the question at the election.
4 A proposal to repeal a home rule charter that has been adopted ~~shall~~ must likewise be
5 submitted to the electors of the city as set forth in this section. One copy of a ratified
6 amendment or a repeal of a home rule charter must be filed with the secretary of state and one
7 with the city auditor. Upon proper filing of the amendment or repeal, the courts shall take
8 judicial notice of the amendment or repeal.